

18286 1/4/2008 00001

**CERTIFIED COPY**

FILED  
IN COUNTY CLERK'S OFFICE  
A.M. JAN 04 2008 P.M.  
PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

Judge D. Gary Steiner  
Department 10

**STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT**

DOUGLAS TOBIN,

NO. 07-2-12633-9

Plaintiff,

DECLARATION OF TOM L. MOORE

v.

STATE OF WASHINGTON and  
PIERCE COUNTY,

Defendants.

I, Tom L. Moore, make the following declaration under penalty of perjury:

1. My name is Tom L. Moore. I am employed as a Deputy Prosecuting Attorney for Pierce County. I was so employed in 2002 and 2003. I am an active member of the Washington State Bar Association. My business address is 955 Tacoma Avenue South, Tacoma, Washington. I am over the age of 18 and am competent to be a witness. I make this declaration based upon my own knowledge and belief.

2. In 2002 and 2003 I was the lead prosecuting attorney in the prosecution of plaintiff Douglas Tobin for felony theft, conspiracy, trafficking in stolen property and other crimes arising out of his illegal harvest and sale of geoduck and other shellfish belonging to the

DECLARATION OF TOM L. MOORE

1

ATTORNEY GENERAL OF WASHINGTON  
Torts Division  
7141 Cleanwater Drive SW  
PO Box 40126  
Olympia, WA 98504-0126  
(360) 586-6300

ORIGINAL

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1 State of Washington. Criminal charges were filed against Mr. Tobin in Pierce County Cause  
2 Numbers 02-1-01236-3 and 02-1-05810-0. Criminal proceedings against Mr. Tobin  
3 commenced with the filing of information in Pierce County Cause No. 02-1-01236-3 on March  
4 14, 2002. The initial information filed in that cause number charged plaintiff Douglas Tobin  
5 with forty-one felony charges including one count of leading organized crime and criminal  
6 profiteering concerning the theft of geoducks contrary to RCW 9A.82.060(1)(a), ten counts of  
7 trafficking in stolen property in the first degree, twenty-seven counts of first degree theft and  
8 one count of conspiring to commit theft in the first degree. A copy of the initial information  
9 filed in Pierce County Cause No. 02-1-01236-3 is attached hereto and incorporated herein as  
10 Exhibit A. Amended information was later filed in this cause number which resulted in a total  
11 of 90 criminal charges arising from the illegal harvest and sale of geoducks.  
12

13  
14 On December 17, 2002 plaintiff was charged with thirty-nine additional crimes in  
15 Pierce County Cause No. 02-1-05810-0. These charges included several counts of trafficking  
16 in stolen property, conspiracy to commit theft and theft in the first degree. A copy of the initial  
17 information filed in Pierce County Cause No. 02-1-05810-0 is attached hereto and incorporated  
18 herein as Exhibit B. These charges also arose from the alleged illegal harvest and sale of  
19 geoduck and crab between 2000 and 2002. After amended information was filed in Cause No.  
20 02-1-01236-3, plaintiff was charged with 120 additional claims, including 34 counts of  
21 unlawful trafficking in fish or wildlife, fish dealing without a license, 33 counts of violation of  
22 commercial fishing area, 12 gross misdemeanor counts of possession of shellfish without a  
23 health certificate and 33 counts of failing to report filling out fish tickets.  
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1           3.       On March 25, 2002 the State of Washington filed a notice of lien and notice of  
2 intent to forfeit the property seized pursuant to the March 15, 2002 search warrant. A copy of  
3 the search warrant is attached hereto and incorporated herein as Exhibit C. The notice of lien  
4 encompassed, among other property, the vessel Typhoon and all electronics and other  
5 equipment and gear associated with the vessel. A notice of intent to seek forfeiture of this  
6 property to the State of Washington pursuant to RCW 9A.82.120 was filed on March 25, 2003  
7 and an amended notice of seizure and intent to forfeit filed on March 29, 2002. As part of this  
8 notice the State of Washington also filed notice of an intention to seek restitution damages  
9 against plaintiff in excess of \$3,000,000.00.  
10

11           4.       On April 25, 2003 plaintiff entered a plea of guilty to one count of first degree  
12 theft in Cause No. 02-1-01236-3, 33 counts of trafficking in fish and wildlife, several gross  
13 misdemeanors in Cause No. 02-1-01236-3, plus unlawful possession of a firearm in the first  
14 degree as charged in Pierce County Cause No. 02-1-01499-4 since plaintiff was a convicted  
15 felon in unlawful possession of a firearm. In exchange I, on behalf of the State, agreed to  
16 recommend that all other charges be dropped in exchange for plaintiff receiving an exceptional  
17 sentence. As part of these plea bargain agreements, the State reserved the right to seek  
18 restitution damages in the amount of \$1,200,000.00, and plaintiff expressly agreed that all  
19 property seized would become the property of the State of Washington. Even though the  
20 charge of leading organized crime in violation of RCW 9A.82.060(1)(a) was dropped, the plea  
21 bargain agreement expressly provided that all property seized would be forfeited to the state of  
22 Washington. Copies of the plea bargain agreements filed in both cause numbers are attached  
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1 hereto as Exhibit D and E. Following entry of the pleas of guilty, plaintiff was sentenced to an  
2 exceptional sentence of 168 months imprisonment for all charges.

3 5. An order on restitution was entered on April 9, 2004 following a hearing which  
4 set restitution owed by plaintiff to the State of Washington at \$879,408.40 in Cause No. 02-1-  
5 05810-0 and \$274,803.00 in Cause No. 02-1-1236-3. See Exhibits F and G. (Plaintiff sought  
6 an appeal of this order. The Court of Appeals and later the Supreme Court affirmed the  
7 restitution order. *See State v. Tobin*, 161 Wn.2d 517 (2007)).

8 6. On December 10, 2003 I entered into an agreement with plaintiff's attorney in  
9 which on behalf of the State I agreed to return certain items of personal property including  
10 clothing, bedding and other personal items which had no market value or no evidentiary value  
11 which were located on the Typhoon when it was seized. This agreement did not encompass  
12 any items associated with the vessel such as generators and equipment related to the vessel and  
13 did not encompass items seized as evidence such as diving gear, the GPS plotter, night vision  
14 goggles, cellular phone, diving logs, maritime charts and other similar items utilized as  
15 evidence in the prosecution. In addition the State agreed to return cash in the amount of  
16 \$1,700.00 and to release its lien upon on of Mr. Tobin's vehicles and upon his two bank  
17 accounts. A copy of this Stipulation on Forfeiture of Property is attached hereto as Exhibit H.  
18 The Stipulation expressly provided that all other property seized would remain the property of  
19 the State of Washington Department of Fish and Wildlife.  
20  
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23 Following entry of this Stipulation, Department of Fish and Wildlife officers met with  
24 Stacey Tobin, plaintiff's daughter and designated representative, to return the miscellaneous  
25 items of personal property described on the December 10, 2007 Stipulation and as outlined in  
26

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1 the Declarations of William Jarmon Jr. and Charles R. Pudwill. These items were located on  
2 the Typhoon when it was seized and had no market value. They coincide with the first twenty  
3 four items listed on the inventory filed by Mr. Tobin in support of his tort claim which is  
4 attached hereto as Exhibit I.

5  
6 The additional items on the inventory which include the GPS plotter, underwater  
7 cameras, diving logs, night vision scope, binoculars, log sheets, cellular telephone,  
8 photographs, shellfish licenses, fish tickets, drawing of waterways, maritime charts and other  
9 miscellaneous property seized at the time of plaintiff's arrest and seizure of the vessel Typhoon  
10 were retained as evidence and were not subject to being returned. As can be seen from a  
11 review of my declaration in support of probable cause in the original criminal informations  
12 filed, Douglas Tobin conducted all his illegal harvesting at night to avoid detection. He  
13 utilized the Typhoon, a 42 foot commercial fishing vessel, for the illegal harvesting of geoduck  
14 and crab. He operated the vessel at night without lights in South Puget Sound, stopping at  
15 known geoduck tracts. He employed several people in his illegal harvesting operation  
16 including divers who harvest the geoduck at night by utilizing hoses attached to a high pressure  
17 water pump powered by a compressor used to blast mud away from the clams and geoducks  
18 that are retrieved from underwater shellfish beds. Plaintiff utilized two smaller boats, a twenty  
19 two foot Boston Whaler and 17 foot skiff, to ferry the clams from Typhoon to the dock or  
20 landing. He utilized several vehicles to transport the stolen shellfish to the packing plant that  
21 he owned and operated. In addition the marine equipment, tools, generators, compressors and  
22 diving gear were seized with the vessels and were properly retained by the State of  
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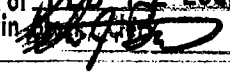
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1 Washington. All such property was seized at the time of plaintiff's arrest and was subject to  
2 the notice of lien filed by the state following plaintiff's arrest.

3 The items listed on plaintiff's inventory filed in support of his tort claim which were  
4 not returned to him (items number 25 through the end of the list which included the GPS  
5 plotter, marine log sheets, personal papers, cellular phone, maritime charts, vessel registrations,  
6 diving logs, underwater video camera, night vision scope and binoculars) were retained as  
7 evidence and were forfeited. In addition the marine equipment, tools, generators, compressors  
8 and diving gear were seized with the vessels and were properly retained by the State of  
9 Washington. The other items covered by the Stipulation which included the cash were  
10 returned to Allen Ressener, Mr. Tobin's attorney and designated representative to receive the  
11 cash. Following entry into the Stipulation dated December 10, 2003, the State released its lien  
12 upon the Chevrolet Nova and upon the two bank accounts, the remaining items covered by the  
13 Stipulation. Douglas Tobin has received all property that he was entitled to have returned  
14 under the December 10, 2003 Stipulation. All other property seized at the time of his arrest  
15 remains forfeited to the State of Washington.

16 Signed under penalty of perjury this \_\_\_\_ day of December 2007 at Tacoma,  
17 Washington.

18  
19  
20  
21   
TOM L. MOORE

22 STATE OF WASHINGTON, County of Pierce  
23 ss: I, Kevin Stock, Clerk of the above  
24 entitled Court, do hereby certify that this  
25 foregoing instrument is a true and correct  
26 copy of the original now on file in my office.  
IN WITNESS WHEREOF, I hereunto set my  
hand and the Seal of said Court this  
day of FEB 12 2009, 20  
Kevin Stock  
By  Deputy

DECLARATION OF TOM L. MOORE

6

ATTORNEY GENERAL OF WASHINGTON  
Torts Division  
7141 Cleanwater Drive SW  
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Olympia, WA 98504-0126  
(360) 586-6300

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**PROOF OF SERVICE**

I certify that I caused to be served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ US Mail Postage Prepaid via Consolidated Mail Service

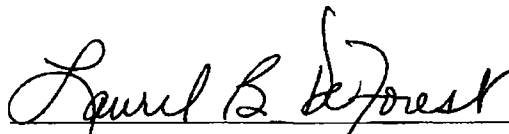
☐ ABC/Legal Messenger

☐ State Campus Delivery

☐ Hand delivered by \_\_\_\_\_

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 3<sup>rd</sup> day of January, 2008 at Tumwater, WA.

  
LAUREL B. DeFOREST

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# EXHIBIT A



18286 1/4/2008 88889

8488588 2882/ST/E 282870

THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02 1 01236 3

vs.

INFORMATION

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

A.M. MAR 14 2002 P.M.

BOB SAN SOUCIE  
COUNTY CLERK

DOB: 04/27/1952

SEX: MALE

RACE: WHITE

BY 4

DEPUTY

SS#: UNKNOWN

SID#: UNKNOWN

DOL#: UNKNOWN

CO-DEF: LORI KERN

02 1 01235 5

CO-DEF: XIANG LI

02 1 01234 7

CO-DEF: JASON LEE BISS

02 1 01233 9

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of LEADING ORGANIZED CRIME, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 9th day of June, 2001 and the 18th day of March, 2002, did unlawfully, feloniously, and intentionally organize, manage, direct, supervise, or finance any three or more persons, Lori Kern, Xiane Li (Jack Li), Jason Biss, Heidi Mills, Michael Beard, Clint (not known), Mike Krise, Greg Koenig, Jeff Choke, and others unnamed at this time, with the intent to engage in a pattern of criminal profiteering activity, to-wit: the theft of Geoducks from the State of Washington Department of Natural Resources and/or Squaxin, Nisqually, Puyallup Tribes and the subsequent sale of the Geoduck to California and Canadian processors., contrary to RCW 9A.82.060(1)(a), and against the peace and dignity of the State of Washington.

## COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected

INFORMATION - 1

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Office of Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Main Office: (253) 798-7400

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in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 10th day of June, 2001 and the 29th day of June, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to the State of Washington Department of Natural resources or Squaxin, Nisqually, and Puyallup Indian Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT III

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 10th day of June, 2001 and the 29th day of June, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually and Puyallup Indian Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT IV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of July, 2001 and the 23rd day of July, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property

INFORMATION - 2

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 1 for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of  
 2 Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary  
 3 to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT V

4 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
 5 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character,  
 6 and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a  
 7 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 8 difficult to separate proof of one charge from proof of the others, committed as follows:

9 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between  
 10 the 1st day of July, 2001 and the 23rd day of July, 2001, did unlawfully, feloniously, and wrongfully obtain  
 11 or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging  
 12 to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes,  
 13 of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to  
 14 RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of  
 Washington.

## COUNT VI

15 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and  
 16 DOUGLAS JOHN MARTIN TOBIN and XIANG LI of the crime of TRAFFICKING IN STOLEN  
 17 PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the  
 18 same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or  
 19 so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one  
 20 charge from proof of the others, committed as follows:

21 That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce  
 22 County, on or about during the period between the 1st day of August, 2001 and the 28th day of August, 2001,  
 23 did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the  
 24 theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging  
 25 to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes,  
 26 contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

27 INFORMATION - 3  
 28

Office of Prosecuting Attorney  
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 Tacoma, Washington 98402-2171  
 Main Office: (253) 798-7400

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## COUNT VII 02 1 0 1 2 3 6 3

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of August, 2001 and the 28th day of August, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT VIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce County, on or about during the period between the 6th day of September, 2001 and the 30th day of September, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT IX

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, INFORMATION - 4

Office of Prosecuting Attorney  
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and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 6th day of September, 2001 and the 30th day of September, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT X

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI, and JASON LEE BISS of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce County, on or about during the period between the 4th day of October, 2001 and the 30th day of October, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

INFORMATION - 5

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That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 4th day of October, 2001 and the 30th day of October, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce County, during the period between the 1st day of November, 2001 and the 30th day of November, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of November, 2001 and the 30th day of November, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes,

INFORMATION - 6

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Main Office: (253) 798-7400

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 of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to  
RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of  
 Washington.

## COUNT XIV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and  
 DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS of the crime of TRAFFICKING  
 IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime  
 based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or  
 plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate  
 proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce  
 County, during the period between the 1st day of December, 2001 and the 30th day of December, 2001, did  
 unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft  
 of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to  
 State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes,  
 contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character,  
 and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a  
 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day  
 of December, 2001 and the 30th day of December, 2001, did unlawfully, feloniously, and wrongfully obtain  
 or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging  
 to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes,  
 of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to  
RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of  
 Washington.

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## COUNT XVI

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And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce County, during the period between the 4th day of January, 2002 and the 16th day of January, 2002, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XVII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 4th day of January, 2002 and the 16th day of January, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XVIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN of the crime of UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the INFORMATION - 8

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1 same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or  
 2 so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one  
 3 charge from proof of the others, committed as follows:

4 That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the  
 5 period between the 4th day of January, 2001 and the 24th day of January, 2001, did unlawfully and  
 6 feloniously traffic in fish or wildlife with a wholesale value of two hundred fifty dollars or more and: (a) the  
 7 fish or wildlife was classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking  
 8 was not authorized by statute or rule of the Department of Fish and Wildlife; or (b) the fish or wildlife was  
 9 unclassified and the trafficking violated a rule of the Department, contrary to RCW 77.15.260(2)(a), and  
 against the peace and dignity of the State of Washington.

## COUNT XIX

10 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse ~~DOUGLAS JOHN~~  
 11 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character,  
 12 and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a  
 13 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 14 difficult to separate proof of one charge from proof of the others, committed as follows:

15 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 4th day  
 16 of January, 2001 and the 24th day of January, 2001, did unlawfully, feloniously, and wrongfully obtain or  
 17 exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to  
 18 State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of  
 19 a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to  
 20 RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of  
 Washington.

## COUNT XX

21 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and  
 22 ~~DOUGLAS JOHN MARTIN TOBIN~~ of the crime of UNLAWFUL TRAFFICKING IN FISH OR  
 23 WILDLIFE IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the  
 24 same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or  
 25 so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one  
 26 charge from proof of the others, committed as follows:

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1 That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the  
 2 period between the 11th day of February, 2001 and the 27th day of February, 2001, did unlawfully and  
 3 feloniously traffic in fish or wildlife with a wholesale value of two hundred fifty dollars or more and: (a) the  
 4 fish or wildlife was classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking  
 5 was not authorized by statute or rule of the Department of Fish and Wildlife; or (b) the fish or wildlife was  
 6 unclassified and the trafficking violated a rule of the Department, contrary to RCW 77.15.260(2)(a), and  
 against the peace and dignity of the State of Washington.

## COUNT XXI

8 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
 9 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character,  
 10 and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a  
 11 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 difficult to separate proof of one charge from proof of the others, committed as follows:

12 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 11th day  
 13 of February, 2001 and the 27th day of February, 2001, did unlawfully, feloniously, and wrongfully obtain or  
 14 exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to  
 15 State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of  
 16 a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to  
 17 RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of  
 Washington.

## COUNT XXII

19 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and  
 20 DOUGLAS JOHN MARTIN TOBIN of the crime of UNLAWFUL TRAFFICKING IN FISH OR  
 21 WILDLIFE IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the  
 22 same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or  
 23 so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one  
 charge from proof of the others, committed as follows:

24 That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about  
 25 the 18th day of May, 2001, did unlawfully and feloniously traffic in fish or wildlife with a wholesale value of  
 26 two hundred fifty dollars or more and: (a) the fish or wildlife was classified as game, food fish, shellfish,

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game fish, or protected wildlife and the trafficking was not authorized by statute or rule of the Department of Fish and Wildlife; or (b) the fish or wildlife was unclassified and the trafficking violated a rule of the Department, contrary to RCW 77.15.260.(2)(a), and against the peace and dignity of the State of Washington.

## COUNT XXIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about the 18th day of May, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXIV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN of the crime of UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 3rd day of June, 2001 and the 8th day of June, 2001, did unlawfully and feloniously traffic in fish or wildlife with a wholesale value of two hundred fifty dollars or more and: (a) the fish or wildlife was classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking was not authorized by statute or rule of the Department of Fish and Wildlife; or (b) the fish or wildlife was unclassified and the trafficking violated a rule of the Department, contrary to RCW 77.15.260.(2)(a), and against the peace and dignity of the State of Washington.

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## COUNT XXV 02 1 01236 3

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 3rd day of June, 2001 and the 8th day of June, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXVI

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of UNLAWFULLY ENGAGE IN FISH DEALING ACTIVITY WITHOUT A LICENSE IN THE FIRST DEGREE, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about the 14th day of March, 2001, did unlawfully and feloniously engage in the wholesale selling, buying, or brokering of food fish or shellfish worth \$250.00 or more without a valid wholesale dealer's or buying license as required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish or shellfish, contrary to RCW 77.65.480, RCW 77.65.280(2) and RCW 77.15.620(1)(b) and (3), and against the peace and dignity of the State of Washington.

## COUNT XXVII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

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1 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about the 14th day of March,  
 2 2001, did unlawfully and feloniously traffic in fish or wildlife with a wholesale value of two hundred fifty  
 3 dollars or more and: (a) the fish or wildlife was classified as game, food fish, shellfish, game fish, or  
 4 protected wildlife and the trafficking was not authorized by statute or rule of the Department of Fish and  
 5 Wildlife; or (b) the fish or wildlife was unclassified and the trafficking violated a rule of the Department,  
 6 contrary to RCW 77.15.260(2)(a), and against the peace and dignity of the State of Washington.

## COUNT XXVIII

7 I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of  
 8 the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of CONSPIRACY TO  
 9 COMMIT THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based  
 10 on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan,  
 11 and/or closely connected in respect to time, place and occasion that it would be difficult to separate proof of  
 12 one charge from proof of the others, committed as follows:

13 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day  
 14 of March, 1999 and the 9th day of June, 2001, did unlawfully, feloniously, with intent that conduct  
 15 constituting the crime of Theft in the First Degree, as prohibited by RCW 9A.56.020(1)(a) and RCW  
 16 9A.56.030(1)(a), be performed, agree with one or more persons, Lori Kern, Xiane Li (Jack Li), Jason Biss,  
 17 Heidi Mills, Michael Beard, Clint (not known), Mike Krise, Greg Koenig, Jeff Choke, and others unnamed at  
 18 this time, to engage in or cause the performance of such conduct, and any one of the persons involved in the  
 19 agreement did take a substantial step in pursuance of the agreement, contrary to RCW 9A.28.040 and against  
 20 the peace and dignity of the State of Washington.

21 The elements of the completed crime of Theft in the First Degree are: wrongfully obtain or exert  
 22 unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State  
 23 of Washington Department of Natural Resources and/or Squaxin, Nisqually, and Puyallup Tribes, of a value  
 24 exceeding \$1,500, with intent to deprive said owner of such property and/or services.

## COUNT XXIX

25 I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of  
 26 the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of VIOLATION OF  
 27 COMMERCIAL FISHING AREA OR TIME IN THE SECOND DEGREE, committed as follows:

28 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about the 13th day of July, 2000,

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(1) while acting for commercial purposes, did unlawfully take, fish for, possess, deliver, or receive food fish or shellfish: (a) at a time not authorized by statute or rule; (b) from an area that was closed to the taking of such food fish or shellfish for commercial purposes by statute or rule; or (c) if such fish or shellfish do not conform to the special restrictions or physical descriptions established by rules of the department, contrary to RCW 77.15.550.1, and against the peace and dignity of the State of Washington.

## COUNT XXX

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 10th day of June, 2001 and the 24th day of June, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of July, 2001 and the 23rd day of July, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

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## COUNT XXXII 02 1 01236 3

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of August, 2001 and the 28th day of August, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 6th day of September, 2001 and the 30th day of September, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXIV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of

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the others, committed as follows:

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That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 4th day of October, 2001 and the 30th day of October, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of November, 2001 and the 30th day of November, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXVI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of December, 2001 and the 30th day of December, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

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## COUNT XXXVII 02 1 01236 3

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 4th day of January, 2002 and the 16th day of January, 2002, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXVIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 4th day of January, 2001 and the 24th day of January, 2001, without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XXXIX

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of

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1 the others, committed as follows:

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2 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 11th day  
3 of February, 2001 and the 27th day of February, 2001, without certificate of approval did unlawfully possess  
4 a commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown,  
5 shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW  
6 69.30.140, and against the peace and dignity of the State of Washington.

## COUNT XL

7 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
8 MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE  
9 OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a  
10 series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected  
11 in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of  
12 the others, committed as follows:

13 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about the 18th day of May, 2001,  
14 without certificate of approval did unlawfully possess a commercial quantity of shellfish or sold or offered to  
15 sell shellfish in the state which have not been grown, shucked, packed or shipped in accordance with RCW  
16 69.30, contrary to RCW 69.30.110 and RCW 69.30.140, and against the peace and dignity of the State of  
17 Washington.

## COUNT XLI

18 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
19 MARTIN TOBIN of the crime of POSSESSING OR SELLING SHELLFISH WITHOUT CERTIFICATE  
20 OF APPROVAL, a crime of the same or similar character, and/or a crime based on the same conduct or on a  
21 series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected  
22 in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of  
23 the others, committed as follows:

24 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 3rd day  
25 of June, 2001 and the 8th day of June, 2001, without certificate of approval did unlawfully possess a  
26  
27  
28

INFORMATION - 18

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commercial quantity of shellfish or sold or offered to sell shellfish in the state which have not been grown,  
shucked, packed or shipped in accordance with RCW 69.30, contrary to RCW 69.30.110 and RCW  
69.30.140, and against the peace and dignity of the State of Washington.


DATED this 12th day of March, 2002.

WA ST FISH/WILDLIFE CASE  
WA0WSFG

GERALD A. HORNE  
Prosecuting Attorney in and for said County  
and State.

lak

By:

  
TOM L. MOORE  
Deputy Prosecuting Attorney  
WSB#: 17542

INFORMATION - 19

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DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE

Tom L. Moore, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the Washington Department of Fish and Wildlife, case number 01-0011;

That the police report and/or investigation provided me the following information:

That in Pierce County, Washington, on or about the period the 1st day of March, 1999, through the 16th day of March, 2002, the defendants, DOUGLAS JOHN MARTIN TOBIN, LORI ELLEN KERN, XIANG LI (JACK LI), and JASON BISS did commit the crimes of LEADING ORGANIZED CRIME; TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE; THEFT IN THE FIRST DEGREE; CONSPIRACY TO COMMIT THEFT IN THE FIRST DEGREE; UNLAWFUL COMMERCIAL FISHING IN A CLOSED AREA AND OR TIME IN THE FIRST DEGREE; UNLAWFUL TRAFFICKING IN FISH AND WILDLIFE IN THE FIRST DEGREE; UNLAWFULLY ENGAGING IN FISH DEALING WITHOUT A LICENSE IN THE FIRST DEGREE; UNLAWFUL POSSESSION OF SHELLFISH IN A COMMERCIAL QUANTITY WHICH HAS NOT BEEN GROWN SHIPPED OR PACKED IN ACCORDANCE WITH THE PROVISIONS OF WAC 246-282-090 and WAC 246-282-010 (12).

In the State of Washington the harvest of Geoduck, a large burrowing clam, is controlled by the Washington Department of Natural Resources. The clams are sedentary, and therefore are a commodity that can be sold much as timber is. The Washington Department of Natural Resources (DNR) auctions off quotas from specified tracts to the highest bidder. DNR then closely monitors the harvest to insure that the contract conditions are met and that there is an accurate accounting of the clams harvested. Harvest vessels are weighed out at the end of the day by DNR monitors and fish receiving tickets are completed. "Fish tickets" as they are known in the industry record the date, time, place, pounds of geoduck, and the harvester. The fish tickets are required by statute to be filed with the State of Washington. Fish tickets provide the data to determine quotas for non-Indian and Indian harvesters.

There is also in Washington a Tribal Fishery for Treaty Indians. The Tribes in Washington have entered into an in-kind agreement for the harvest of Geoducks. The Tribes follow much of the same procedures as non-Indian harvesters. The Tribe by agreement opens a tract for harvest within their Usual and Accustomed fishing grounds and establishes seasons. The Tribe then monitors each vessel or harvester to insure that they do not harvest in excess of their quota. Indian harvesters and buyers make out fish tickets the same as non-Indians. The responsibility for the production of the fish ticket is generally with the licensed buyer of the Geoduck. The Washington Department of Health must also certify each tract both tribal and

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OF PROBABLE CAUSE - 1

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1 non-Indian before Geoduck can be harvested.

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2 The commercial taking of crabs is regulated by the Washington Department of Fish and Wildlife. In  
3 the South Puget Sound region there is no commercial season for non-Indians below the Tacoma Narrows  
4 Bridge. The three South Puget Sound Tribes ( Puyallup, Nisqually and Squaxin) are court ordered to share  
5 equally with non-Indians in the harvest of shellfish. The Tribes and the State entered into an agreement in  
6 1999 that seasons could be opened by the Tribes, with the agreement of the State, in the Usual and  
7 Accustomed fishing grounds of each Tribe. The Squaxin tribe has not opened a commercial season for crab in  
8 its Usual and Accustomed Areas. Any Treaty Indian fishing outside of his Usual and Accustomed Area is in  
9 violation of the agreement and comes under the authority of the Washington Department of Fish and Wildlife  
10 (WDFW).

11 In June of 2000 the WDFW detectives received several complaints from citizens and a Nisqually  
12 police officer that a large aluminum commercial boat was fishing for crab in the Nisqually Delta area. The  
13 citizens reported that the boat was operated by several individuals, was using commercial gear attached to a  
14 groundline and that the pots that were baited with Geoduck. The boat was identified as the TYPHOON which  
15 belongs to DOUGLAS TOBIN.

16 DOUGLAS TOBIN is a registered member of the Squaxin Island Tribe and as such may fish and  
17 harvest geoduck under his Treaty rights in his Usual and Accustomed fishing grounds. DOUGLAS TOBIN  
18 also possess a Squaxin Island Wholesale Fish Dealers License which allows him to engage in fish buying  
19 within in his Usual and Accustomed Areas. DOUGLAS TOBIN is the sole owner of Toulouk Seafoods  
20 located in Fife, Washington, where he packages and transports geoduck and other seafoods.

21 DOUGLAS TOBIN has an extensive criminal history to include convictions: Burglary in the First  
22 Degree and Assault in the Second Degree in 1976; Manslaughter in 1988 (Originally charged with Murder in  
23 the First Degree) and numerous fishing violations.

24 The detectives of WDFW because of the reports by citizens began surveillance of the movements of  
25 the TYPHOON and its crew. The TYPHOON is a 42 foot aluminum boat rigged for commercial fishing of  
26 both geoduck and crab. The TYPHOON is usually moored at Cornell's Landing on Fox Island. The  
27 detectives observed that the TYPHOON often left in the evening with empty geoduck crates and empty  
28 plastic garbage cans. In the early morning hours the TYPHOON would return and the crew would offload  
dozens of full crates of geoduck and full plastic garbage cans of crab. The officers attempted to follow the  
boat to learn where it was fishing. This was extremely difficult since it was impossible to follow with a boat at  
night because the lights would be observed. The detectives attempted to follow the TYPHOON from the  
shore so that they would not be observed. The TYPHOON however would run at night without lights. (In  
violation of US Coast Guard regulations.) Eventually after repeated tries the detectives were able to follow  
the TYPHOON. The TYPHOON invariably went into the South Puget Sound Area and stopped at a known  
geoduck tract. Often the tracts were within the Usual and Accustomed fishing areas of the Squaxins.  
However, the Squaxins had no commercial seasons, the fishing was at night and the tract had not been  
certified by the Washington Health Department.

On 11/12/01 while several detectives were watching the TYPHOON, at approximately 10:00 pm  
three vehicles arrived. The vehicles each were unloaded in turn by the crew and the geoduck cages, plastic  
garbage cans for crab and and crab pots were loaded on the TYPHOON. The detectives were able to follow  
the TYPHOON even though it ran without lights. The detectives were able to view the TYPHOON on the  
Drayton Tract near Devil's Head on the Longbranch Peninsula. The rear of the TYPHOON during these trips  
is covered by a canvas tarp. The tarp prevents anyone from seeing what is going on, on the rear deck, and  
muffles the sound of a compressor used to provide air to the divers. The detectives did observe one diver

27 DECLARATION FOR DETERMINATION  
28 OF PROBABLE CAUSE - 2

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enter the water. The TYPHOON then moved to another tract, Wycoff Shoals, where another detective spotted it. All of the detectives travelled to Wycoff Shoals and observed the TYPHOON. The detectives could hear the compressor motor running. Divers harvest geoduck underwater by using scuba gear or surface supplied air. A hose attached to a high pressure water pump is used to blast the mud away from the clams that are then picked up. At approximately 5:15 am two detectives left to return the mooring site of the TYPHOON, while one detective remained to observe the TYPHOON. When the detectives arrived at Fox Island the TYPHOON was already being offloaded. The detectives with the aid of a spotting scope observed nine cages of geoduck offloaded and stacked in groups of three. A dolly was used to load the cages into a white GMC van registered to DOUG TOBIN.

The detectives then returned to Wycoff Shoals where the TYPHOON had been working. The detectives called in a WDFW boat equipped with dive gear and two WDFW biologists. The boat was positioned exactly where the TYPHOON had been and the two biologists entered the water. The biologists immediately observed the telltale signs of harvest holes for geoduck. The biologists determined that the holes were fresh having been made within hours. The biologists videotaped the site and documented the position. There has been no legal harvesting at this site since 1991. The biologists noted that this site contained one of the highest densities of geoduck that they had observed in Puget Sound. The biologists estimated that 400 to 500 pounds of geoduck had been removed from the site. This is consistent with what the detectives observed being offloaded from the TYPHOON.

The detectives also followed the vehicles as they left the marina and transported the geoduck to DOUG TOBIN's packing plant in Fife. On 11/21/01 the detectives observed the offloading of nineteen cages of geoduck from the TYPHOON and then went to the packing plant to observe. The detectives observed the white GMC van arrive. Within minutes a known employee of TOBIN arrived, LORI KERN. KERN is responsible for packing the geoduck for transportation to the airlines. The white van was driven inside of the packing plant. A short time later a blue Plymouth Van arrived driven by XIANG SHENG LI (JACK LI) a known shellfish buyer/seller, who has often been investigated for violations related to buying and selling shellfish. The detectives observed JACK LI's van being loaded with white wet-lock boxes of a kind used to ship geoduck. The detectives observed TOBIN to arrive at his apartment which is next door to the packing plant. JACK LI drove around to the apartment, exited the van with a briefcase and entered the apartment. KERN was observed stacking empty geoduck cages outside to be cleaned. JACK LI exited the apartment got in his van and drove North on I-5. The detectives followed LI to the Air Cargo Terminal at Sea-TAC and watched as he backed into the Alaska Airline's dock. The detectives observed JACK LI offload the white boxes and then enter the Alaska Airlines office. JACK LI exited the office with some paperwork in his hands and then left in his van.

The detectives went into the Alaska Airlines office and identified themselves. The Alaska employees produced an air cargo bill #027-2181-7902. The shipper was listed as Daisun International, 10-11720 Voyagour Way, Richmond B.C. V5Z-1C4. JACK LI is known to be associated with Daisun International. JACK LI has not been licensed as a Wholesale Fish Dealer in the State of Washington since 1998. The consignee was listed as Ocean Harvesters, 1844 E. Benbow Street, Covina, California. The waybill listed seventeen pieces to be shipped at a gross weight of nine hundred and seventy pounds of live geoduck. The value of geoduck depends upon the grade of the product and varies between \$4.25 per pound and \$7.50 per pound. The value of this shipment would be approximately \$6,000.00 at wholesale.

The detectives returned to Alaska Airlines office in January of 2002 and obtained all of the shipping bills for DOUGLAS TOBIN, Toulouk, JACK LI, and Daisun International from January of 2001 through January 16th, 2002. The detectives documented the pounds of live geoduck shipped during this period and

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OF PROBABLE CAUSE - 3

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1 then compared the pounds shipped with the pounds reported to be harvested or purchased by DOUGLAS  
 2 TOBIN. The pounds harvested or purchased must be reported on "fish tickets" as required by Washington  
 3 statutes. The detectives found 112 shipments during the year January 2001 through January 2002 that were  
 4 not reported on fish tickets. The detectives found 9 shipments which showed what was shipped was greater  
 5 than what was reported on fish tickets. The total pounds of geoduck shipped in 2001 and not reported on fish  
 6 tickets was 89,292 pounds.

7 The wholesale value of the undocumented geoduck shipped by DOUGLAS TOBIN and his associates  
 8 during the year 2001 is approximately in the range of \$380,000.00 to \$670,000.00. The State has information  
 9 that other airlines were used at times to ship geoduck and that a buyer from Oregon would pick up large  
 10 quantities of geoduck by truck. DOUGLAS TOBIN also harvested crab on his nightly fishing trips with his  
 11 crew. The State has information that DOUGLAS TOBIN sold most of the crab in Seattle.

12 FURTHER CHARGES WILL FOLLOW AS THE INVESTIGATION CONTINUES.

13 DOUGLAS TOBIN's criminal enterprise from June 9th, 2001, through March 18th, 2002, is the basis  
 14 for COUNT I.

15 FROM June 10th, 2001, through June 29th, 2001, DOUGLAS TOBIN and LORI KERN shipped 8  
 16 shipments of live geoduck totaling 5,135 pounds. There is no documentation on file with the State for these  
 17 geoduck, nor is there documentation that the geoduck were harvested from Health Department certified tracts.  
 18 This is the basis for COUNTS II and III.

19 FROM July 1st, 2001, through July 23rd, 2001, DOUGLAS TOBIN and LORI KERN shipped 12  
 20 shipments of live geoduck totaling 7,840 pounds. There are fish tickets for only 485 pounds of geoduck  
 21 purchased during July, 2001. There is no Health certification for the undocumented geoduck. This is the basis  
 22 for COUNTS IV and V.

23 FROM August 1st, 2001, through August 28th, 2001, DOUGLAS TOBIN, LORI KERN and JACK  
 24 LI shipped 15 shipments of live geoduck totaling 9,697 pounds. There are no fish tickets or Health  
 25 certifications for these geoduck. This is the basis for COUNTS VI and VII.

26 FROM September 6th, 2001, through September 30th, 2001, DOUGLAS TOBIN, LORI KERN and  
 27 JACK LI shipped 10 shipments of live geoduck totaling 6,886 pounds. There are no fish tickets or Health  
 28 certifications for these geoduck. This is the basis of COUNTS VIII and IX.

FROM October 4th, 2001, through October 30th, 2001, DOUGLAS TOBIN, LORI KERN, JACK LI  
 and JASON BISS shipped 18 shipments of live geoduck totaling 16,357 pounds. There are fish tickets for  
 only 242 pounds of geoduck purchased during October of 2001. There is no Health certification for  
 undocumented geoduck. This the basis for COUNTS X and XI.

FROM November 1st, 2001, through November 30th, 2001, DOUGLAS TOBIN, LORI KERN, JACK  
 LI, and JASON BISS shipped 19 shipments of live geoduck totaling 13,577 pounds. There are fish tickets  
 for only 1,403 pounds of geoduck purchased during November 2001. There is no Health certification for  
 undocumented geoduck. This is the basis for COUNTS XII and XIII.

FROM December 1st, 2001, through December 30th, 2001, DOUGLAS TOBIN, LORI KERN, JACK  
 LI, and JASON BISS shipped 18 shipments live geoduck totaling 16,217 pounds. There are fish tickets for  
 only 1,118 pounds of geoduck purchased. There is no Health certification for undocumented geoduck. This  
 is the basis for COUNTS XIV and XV.

FROM January 4th, 2002, through January 16th, 2002, DOUGLAS TOBIN and LORI KERN shipped  
 10 shipments of live geoduck totaling 10,964 pounds. There are no fish tickets or Health certifications for  
 these geoduck. This is the basis for COUNTS XVI and XVII.

FROM January 4th, 2001, through January 24th, 2001, DOUGLAS TOBIN and LORI KERN

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 OF PROBABLE CAUSE - 4

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 1 shipped 15 shipments of live geoduck totaling 6,473 pounds. There are fish tickets for only 813 pounds.  
 2 There is no Health certification for the undocumented geoduck. This is the basis for COUNTS XVIII and  
 3 XIV.

4 FROM February 11th, 2001, through February 27th, 2001, DOUGLAS TOBIN and LORI KERN  
 5 shipped 5 shipments of live geoduck totaling 2,342 pounds. There are no fish tickets or Health certifications  
 6 for these clams. This is the basis for COUNTS XX and XXI.

7 ON May 18th, 2001, DOUGLAS TOBIN and LORI KERN shipped 2 shipments totaling 1,596  
 8 pounds of live geoduck. There are no fish tickets or Health certifications for these clams. This is the basis for  
 9 COUNTS XXII and XXIII.

10 FROM June 3rd, 2001, through June 8th, 2001, DOUGLAS TOBIN and LORI KERN shipped 5  
 11 shipments totaling 2,396 pounds of live geoduck. There are fish tickets for 371 pounds of geoduck. There is  
 12 no Health certification for undocumented clams. This is the basis for COUNTS XXIV and XXV.

13 On March 14th, 2001, WDFW detectives received a report from a Tulalip Tribal Monitor that the  
 14 TYPHOON was moored at Shileshole Marina in Seattle. The Tulalip Tribal Monitor was suspicious because  
 15 the rear deck of the TYPHOON was covered with canvas. The WDFW detectives travelled to Shileshoe  
 16 Marina and set up a video camera. At about 7:00 pm a turquoise Ford pick-up, #A31306B, driven by two  
 17 women but belonging to DOUGLAS TOBIN arrived. The two women unloaded a scale from the van and set  
 18 it up on the pavement. A short time later DOUGLAS TOBIN arrived in another Ford van, #A97175B. The  
 19 detectives observed the two females weighing geoduck crates and completing paperwork. The detectives  
 20 observed 114 crates of geoduck being loaded into TOBIN's van. The scales were loaded and they left the site.

21 On March 15th, 2001 the detectives obtained copies of the fish tickets signed by DOUGLAS TOBIN  
 22 the previous day. The records showed that TOBIN had purchased 7,683 pounds of geoduck on two  
 23 tickets, #V644873 and #V644874, for a total price of \$33,440.00.

24 DOUG TOBIN's fish buying license is only valid in Usual and Accustomed fishing grounds of the  
 25 Squaxin Tribe. DOUG TOBIN has previously been cited for the same violation. On 11/1/01 DOUG TOBIN  
 26 plead guilty in Whatcom County Superior Court to Attempted Buying Without a Wholesale Fish Buyers  
 27 License and Attempted Trafficking in Fish or Wildlife. The March 14, 2001, buy is the basis for COUNTS  
 28 XXVI and XXVII.

Generally when DOUGLAS TOBIN went fishing there would be a crew of several individuals:  
 Someone needs to operate the boat; There may be several divers in the water harvesting geoduck at one time;  
 A deck hand assists the divers by monitoring the dive safety and retrieves the harvested geoduck from the  
 divers with the aid of a davit; Another deck hand may monitor communications or help pack the harvested  
 geoduck. Once the geoduck are returned to the processing plant they must be packed for shipment and there  
 is paperwork to process. Over the years of his operation DOUGLAS TOBIN has employed dozens of  
 individuals both Indian and non-Indian. The detectives from WDFW were able to identify many of these  
 crew members to include the following: LORI KERN; XIANG LI (JACK LI); JASON BISS; Michael Beard;  
 Michael Krise; Mark Purdue; Heidi Mills; Keith Smith; Matt Donovik; Greg Koeinig; Jeffery Choke; Clint  
 \_\_\_\_\_ and others.

The detectives in August of 2001 were contacted by a Keith Smith, who indicated that he had  
 information regarding DOUGLAS TOBIN's illegal fishing operation. On 8/25/01 Smith gave the detectives  
 a taped statement regarding his involvement in TOBIN's fishing operation. Smith stated that he met TOBIN  
 in in early 1998 and shortly thereafter TOBIN asked him to work on his boat. Smith indicated that they  
 fished for crab and harvested geoduck at night. Smith stated that when they fished for crab he was the deck  
 boss, running the labor operation on deck. When fishing for crab the pots must be brought up from the

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 OF PROBABLE CAUSE - 5

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bottom with a crab block, the pots emptied, rebaited and put back in the water. When fishing for geoduck Smith acted as the dive tender, helping the diver with their gear, taking care of the hoses, and retrieving the harvested geoduck. Smith stated that TOBIN generally fished crab in the Nisqually Reach and harvested geoduck at Green Point (Pierce County). Smith identified Mark Purdue as a diver, Heidi Mills would help tend the divers and do communications, Mike Krise was a diver, Jeff Choke was a diver, Greg Koenig was a diver, and Frank Earl was a diver. Smith indicated that TOBIN still owed him money for work that he had performed. Smith indicated that he began working for TOBIN in May of 1999 and that he worked for TOBIN for approximately two years. Smith stated that TOBIN knew that they were fishing illegally. If anyone approached the boat, TOBIN had given the crew orders to drop the air hoses and the geoduck into the water. Smith stated that TOBIN would provide fraudulent Health certifications by indicating that the geoduck were taken from an open tract.

The detectives also spoke with Mark Purdue and Heidi Mills. Mills stated that she had been involved in the fishing industry in Alaska for 10 years and wished to start a business in Washington. Mills began a business relationship with TOBIN in April of 2000. Mills was interested in buying and reselling crab. Mills leased some space from TOBIN at his plant with the intention of buying crab that TOBIN harvested under his Treaty rights. Mills soon noted that the fishing was being done at night and that no fish tickets were being produced. Mills on one occasion asked TOBIN where the paperwork for a Canadian shipment was. TOBIN replied that once it hits the border the paperwork disappears.

Mark Purdue also stated that he had first met TOBIN in April of 2000. Purdue had experience fishing in Alaska and helped TOBIN to outfit his boat. Purdue then worked for TOBIN both as a dive tender and a diver. Purdue for a period believed TOBIN was legally exercising his Treaty rights. Purdue realized later that no fish tickets were being produced and that they were fishing exclusively at night. Purdue and Mills were on TOBIN's boat fishing crab in the Nisqually Delta area at night on July 13th, 2000, when Mills fell into an open hold and broke her ribs. They broke off their relationship with TOBIN after this incident.

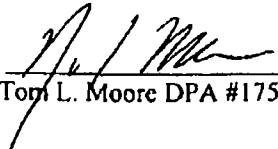
These acts are the basis for COUNTS XXVIII and XXIX.

The basis for COUNTS XXX through COUNT XLI are the violations of the Health certification statutes.

DOUG TOBIN uses his prior criminal history to intimidate his associates and any potential witnesses. Everyone of the witnesses interviewed by the detectives expressed some fear of retribution by DOUG TOBIN.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: March 13th, 2002  
PLACE: Tacoma Wa.

  
Tom L. Moore DPA #17542

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE - 6

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# EXHIBIT B

10206 1/4/2008 00035  
12/18/2002 9599 00001

IN COUNTY CLERK'S OFFICE

A.M. DEC 17 2002 P.M.

PIERCE COUNTY WASHINGTON  
KEVIN STOCK County Clerk  
BY [Signature] DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02 1 05810 0

vs.

INFORMATION

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

857 29425

DOB: 04/27/1952

SEX: MALE

RACE: WHITE

SS#: 536-60-8731

SID#: UNKNOWN

DOL#: WA TOBINDJ482J7

CO-DEF: LORI KERN

CO-DEF: XIANG LI

CO-DEF: JASON LEE BISS

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of LEADING ORGANIZED CRIME, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 9th day of June, 2001 and the 18th day of March, 2002, did unlawfully, feloniously, and intentionally organize, manage, direct, supervise, or finance any three or more persons, Lori Kern, Xiane Li (Jack Li), Jason Biss, Heidi Mills, Michael Beard, Clint Wilson, Stacey Tobin, , Michael Shane Beard, Mark Purdue, Keith Smith, Nicole McConnell-Holt, Kevin Riconosciuto, Mike Krise, Greg Koenig, and Jeff Choke, with the intent to engage in a pattern of criminal profiteering activity, to-wit: the theft of Geoducks from the State of

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Washington Department of Natural Resources and/or Squaxin, Nisqually, Puyallup Tribes and the subsequent sale of the Geoduck to California and Canadian processors, this scheme included multiple thefts, multiple instances of trafficking in stolen property and conspiracy to commit theft, contrary to RCW 9A.82.060(1)(a), and against the peace and dignity of the State of Washington.

## COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN of the crime of **TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE**, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 10th day of June, 2001 and the 30th day of June, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffic in stolen property, to-wit: *Geoducks, belonging to the State of Washington Department of Natural resources or Squaxin, Nisqually, and Puyallup Indian Tribes*, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT III

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of **THEFT IN THE FIRST DEGREE**, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 10th day of June, 2001 and the 30th day of June, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: *Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually and Puyallup Indian Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such*

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property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT IV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of July, 2001 and the 31st day of July, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT V

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of July, 2001 and the 31st day of July, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

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## COUNT VI

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And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in Pierce County, on or about during the period between the 1st day of August, 2001 and the 31st day of August, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT VII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period between the 1st day of August, 2001 and the 31st day of August, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT VIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI of the crime of TRAFFICKING IN

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3 STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a  
4 crime based on the same conduct or on a series of acts connected together or constituting parts of a  
5 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would  
6 be difficult to separate proof of one charge from proof of the others, committed as follows:

7 That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN and XIANG LI, in  
8 Pierce County, on or about during the period between the 1st day of September, 2001 and the 30th  
9 day of September, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance,  
10 direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen  
11 property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or  
12 Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the  
13 peace and dignity of the State of Washington.

## COUNT IX

14 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
15 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar  
16 character, and/or a crime based on the same conduct or on a series of acts connected together or  
17 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
18 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
19 as follows:

20 That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, on or about during the period  
21 between the 1st day of September, 2001 and the 30th day of September, 2001, did unlawfully,  
22 feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other  
23 than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources  
24 or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to  
25 deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
26 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT X

27 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN  
28 KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI, and JASON LEE BISS of the crime of  
29 TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar  
30 character, and/or a crime based on the same conduct or on a series of acts connected together or  
31 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and

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occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI, and JASON LEE BISS in Pierce County, on or about during the period between the 1st day of October, 2001 and the 31st day of October, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of October, 2001 and the 31st day of October, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

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That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS, in Pierce County, during the period between the 1st day of November, 2001 and the 30th day of November, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

#### COUNT XIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of November, 2001 and the 30th day of November, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

#### COUNT XIV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS, in Pierce County, during the period between the 1st day of December, 2001 and

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the 31st day of December, 2001, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of December, 2001 and the 31st day of December, 2001, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XVI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That LORI ELLEN KERN and DOUGLAS JOHN MARTIN TOBIN, XIANG LI and JASON LEE BISS, in Pierce County, during the period between the 1st day of January, 2002 and the 31st day of January, 2002, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick

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in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

COUNT XVII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of January, 2002 and the 31st day of January, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

COUNT XVIII

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of February, 2002 and the 28th day of February, 2002, did unlawfully, feloniously, and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

COUNT XIX

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or

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3 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
4 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
5 as follows:

6 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
7 between the 1st day of February, 2002 and the 28th day of February, 2002, did unlawfully,  
8 feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other  
9 than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources  
10 or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to  
11 deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
12 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XX

13 I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the  
14 authority of the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of  
15 TRAFFICKING IN STOLEN PROPERTY IN THE FIRST DEGREE, committed as follows:

16 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
17 between the 1st day of March, 2002 and the 18th day of March, 2002, did unlawfully, feloniously,  
18 and knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft of property for  
19 sale to others, or did knowingly traffick in stolen property, to-wit: Geoducks, belonging to State of  
20 Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes,  
21 contrary to RCW 9A.82.050(2), and against the peace and dignity of the State of Washington.

## COUNT XXI

22 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
23 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar  
24 character, and/or a crime based on the same conduct or on a series of acts connected together or  
25 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
26 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
27 as follows:

28 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
between the 1st day of March, 2002 and the 18th day of March, 2002, did unlawfully, feloniously,  
and wrongfully obtain or exert unauthorized control over property and/or services other than a  
firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or

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Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of January, 2002 and the 31st day of January, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of February, 2002 and the 28th day of February, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

INFORMATION - II

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## COUNT XXIV

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And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of March, 2002 and the 31st day of March, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXV

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of April, 2002 and the 30th day of April, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXVI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar

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character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of May, 2002 and the 31st day of May, 2002, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXVII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of January, 2000 and the 31st day of January, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXVIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and

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occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of February, 2000 and the 28th day of February, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXIX

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of March, 2000 and the 31st day of March, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXX

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

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That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of April, 2000 and the 30 day of April, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXI

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of May, 2000 and the 31st day of May, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of June, 2000 and the 30th day of June, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-

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1  
2 wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin,  
3 Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said  
4 owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
5 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXIII

6  
7 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
8 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar  
9 character, and/or a crime based on the same conduct or on a series of acts connected together or  
10 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
11 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
12 as follows:

13 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
14 between the 1st day of July, 2000 and the 31st day of July, 2000, did unlawfully, feloniously, and  
15 wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-  
16 wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin,  
17 Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said  
18 owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
19 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXIV

20 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
21 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar  
22 character, and/or a crime based on the same conduct or on a series of acts connected together or  
23 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
24 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
25 as follows:

26 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
27 between the 1st day of August, 2000 and the 31st day of August, 2000, did unlawfully, feloniously,  
28 and wrongfully obtain or exert unauthorized control over property and/or services other than a  
firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or  
Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive

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1  
2 said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
3 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXV

4  
5 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
6 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar  
7 character, and/or a crime based on the same conduct or on a series of acts connected together or  
8 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
9 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
as follows:

10 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
11 between the 1st day of September, 2000 and the 30th day of September, 2000, did unlawfully,  
12 feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other  
13 than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources  
14 or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to  
15 deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXVI

16  
17 And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN  
18 MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar  
19 character, and/or a crime based on the same conduct or on a series of acts connected together or  
20 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
21 occasion that it would be difficult to separate proof of one charge from proof of the others, committed  
as follows:

22 That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period  
23 between the 1st day of October, 2000 and the 31st day of October, 2000, did unlawfully, feloniously,  
24 and wrongfully obtain or exert unauthorized control over property and/or services other than a  
25 firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or  
26 Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive  
27 said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW  
9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

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## COUNT XXXVII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of November, 2000 and the 30th day of November, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXVIII

And I, GERALD A. HORNE, Prosecuting Attorney aforesaid, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in the State of Washington, during the period between the 1st day of December, 2000 and the 31st day of December, 2000, did unlawfully, feloniously, and wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources or Squaxin, Nisqually, and Puyallup Indians Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services, contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), and against the peace and dignity of the State of Washington.

## COUNT XXXIX

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse DOUGLAS JOHN MARTIN TOBIN of the crime of INFORMATION - 18

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CONSPIRACY TO COMMIT THEFT IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That DOUGLAS JOHN MARTIN TOBIN, in Pierce County, during the period between the 1st day of March, 1999 and the 9th day of June, 2001, did unlawfully, feloniously, with intent that conduct constituting the crime of Theft in the First Degree, as prohibited by RCW 9A.56.020(1)(a) and RCW 9A.56.030(1)(a), be performed, agree with one or more persons, Lori Kern, Xiane Li (Jack Li), Heidi Mills, Stacey Tobin, Jason Biss, Clint Wilson, Michael Shane Beard, Mark Purdue, Mike Krise, Greg Koenig, Jeff Choke, Keith Smith, Nicole McConnell-Holt, and Kevin Riconosciuto, to engage in or cause the performance of such conduct, and any one of the persons involved in the agreement did take a substantial step in pursuance of the agreement, contrary to RCW 9A.28.040 and against the peace and dignity of the State of Washington.

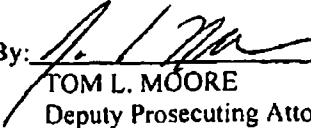
The elements of the completed crime of Theft in the First Degree are: wrongfully obtain or exert unauthorized control over property and/or services other than a firearm, to-wit: Geoducks, belonging to State of Washington Department of Natural Resources and/or Squaxin, Nisqually, and Puyallup Tribes, of a value exceeding \$1,500, with intent to deprive said owner of such property and/or services.

DATED this 17th day of December, 2002.

WA ST FISH/WILDLIFE CASE  
WA0WSFG

GERALD A. HORNE  
Prosecuting Attorney in and for said County  
and State.

amp

By:   
TOM L. MOORE  
Deputy Prosecuting Attorney  
WSB#: 17542

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930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
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NO. 02 1 05810 0

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSEFILED  
IN COUNTY CLERK'S OFFICE

A.M. DEC 17 2002 P.M.

PIERCE COUNTY WASHINGTON  
KEVIN STOCK County Clerk  
BY  DEPUTY

Tom L. Moore, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the Washington Department of Fish and Wildlife, case number 01-0011003;

That the police report and/or investigation provided me the following information:

That in Pierce County, Washington, on or about the period the 1st day of January, 2000, through the 18th day of March, 2002, the defendant, DOUGLAS JOHN MARTIN TOBIN, did commit the crimes of **LEADING ORGANIZED CRIME; TRAFFICKING IN STOLEN PROPERTY, TEN COUNTS; THEFT IN THE FIRST DEGREE, TWENTY-SEVEN COUNTS** and **CONSPIRACY TO COMMIT THEFT IN THE FIRST DEGREE**. DOUGLAS TOBIN was charged in an Original Information, March 18th, 2002, Cause Number 02-1-01236-3, with forty-one counts related to the illegal harvest and sale of geoduck for the time period January, 2001, through March 18th, 2002. Agents from the Washington Department of Fish and Wildlife have now documented the illegal harvest and sale of geoduck for the time period January, 2000, through December, 2000. (On 7/25/02 the State filed an Amended Information charging an additional one-hundred and one counts related to the illegal harvest and sale of Dungeness crab.) This Information separates the charge of **LEADING ORGANIZED CRIME** and the associated predicate crimes from the original Cause Number, 02-1-01236-3, and adds two counts of **TRAFFICKING IN STOLEN PROPERTY** and fourteen counts of **THEFT IN THE FIRST DEGREE**.

During the charged period, January of 2000 through March 18th, 2002, the defendant ran a sophisticated organization which harvested geoduck clams that belonged to the State of Washington and the Puyallup, Nisqually, and Squaxin Indian Tribes. The defendant did all of his illegal harvesting at night to avoid being detected. The defendant after harvesting the clams transported them to his packing plant, Toulouk, in Fife, Washington. The defendant then sold the stolen clams to various shellfish processors in Canada, California and Washington.

The defendant employed a number of people in his organization. Several divers were needed each night to harvest the geoduck. Tenders were needed on the deck of the boat to aid the divers in the harvest of the geoduck. Someone had to pilot the boat, TYPHOON a forty-two foot diesel powered boat equipped with commercial fishing gear. Two smaller boats, a twenty-two foot Boston Whaler and seventeen foot open skiff were used to ferry the clams from the TYPHOON to the dock or landing. Several vehicles including a couple of commercial vans were used to transport the clams to the packing plant. Several persons were employed at

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OF PROBABLE CAUSE - 1Office of Prosecuting Attorney  
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1 the plant to pack the geoduck for shipment and to keep the books.

2 Among the persons employed by the defendant were: divers; Jason Biss, Michael Beard, Michael  
3 Krise, Mark Purdue, Greg Koeinig, Jeffery Choke, Keith Smith and others not named at this time. Clint  
4 Wilson often ran the boat, TYPHOON, during the period the August, 2001, through March 18th, 2002. Lori  
5 Kern, Heidi Mills and Stacy Tobin worked in the plant packing geoduck and keeping records. Nicole  
6 McConnell-Holt and Kevin Riconosciuto acted as tenders for the divers. Xiang (Jack) Li acted as a  
7 middleman and paid cash for the geoducks which were shipped to processors in California during the period  
8 June 10th, 2001, through March 18th, 2002.

9 All of the employees were aware that the operation was illegal. TOBIN told the persons on the boat  
10 that if approached by law enforcement they were to throw the geoducks over the side. TOBIN did not allow  
11 any lights on the boat or smoking at night. TOBIN did not file any of the required paperwork, fish tickets, on  
12 the stolen geoducks. TOBIN did file fish tickets when he legally bought geoduck. TOBIN instructed  
13 employees to falsify the dates and catch areas on health certificates. COUNT 39.

14 Agents from the Washington Department of Fish and Wildlife on March 18th, 2002, served a search  
15 warrant on the business of DOUG TOBIN, Toulak, the shellfish processing plant in Fife. The agents upon  
16 reviewing the seized documents were able to determine where the defendant sold the geoduck that he had  
17 illegally harvested. The agents then obtained search warrants for the named seafood/shellfish outlets and  
18 served the warrants on the businesses. Using the various documents obtained, airbills, invoices, fish tickets,  
19 checks and deposits, the agents were able to determine the amount of geoduck that was illegally harvested  
20 and sold by the defendant during the period January, 2000, through March 18th, 2002.

21 During the period the 10th of June, 2001, through the 30th of June, 2001, the defendant sold 5,469  
22 pounds of illegally harvested geoduck for \$33,306.21. COUNTS 2&3

23 During the month of July, 2001, the defendant sold 6,049 pounds of illegally harvested geoduck for  
24 \$37,201.35. COUNTS 4&5

25 During the month of August, 2001, the defendant sold 8,630 pounds of illegally harvested geoduck for  
26 \$62,608.50. COUNTS 6&7

27 During the month of September, 2001, the defendant sold 8,237 pounds of illegally harvested geoduck  
28 for \$43,561.00. COUNTS 8&9

During the month of October, 2001, the defendant sold 15,355 pounds of illegally harvested geoduck  
for \$93,972.60. COUNTS 10 & 11

During the month of November, 2001, the defendant sold 11,941 pounds of illegally harvested  
geoduck for \$72,004.23. COUNTS 12&13

During the month December, 2001, the defendant sold 13,777 pounds of illegally harvested geoduck  
for \$82,386.46. COUNTS 14&15

During the month of January, 2002, the defendant sold 15,050 pounds of illegally harvested geoduck  
for \$102,463.25. COUNTS 16&17

During the month of February, 2002, the defendant sold 9,038 pounds of illegally harvested geoduck  
for \$60,027.25. COUNTS 18&19

During the period the 1st day of March, 2002, through the 18th day of March, 2002, the defendant  
sold 10,883 pounds of illegally harvested geoduck for \$70,883.25. COUNTS 20&21

During the month of January, 2001, the defendant sold 7,862 pounds of illegally harvested geoduck  
for \$58,886.38. COUNT 22

During the month of February, 2001, the defendant sold 6,024 pounds of illegally harvested geoduck  
for \$41,854.95. COUNT 23

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE - 2

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During the month of March, 2001, the defendant sold 6,919 pounds of illegally obtained geoduck for \$14,098.86. COUNT 24

During the month of April, 2001, the defendant sold 3,804 pounds of illegally harvested geoduck for \$26,704.08. COUNT 25

During the month of May, 2001, the defendant sold 3,660 pounds of illegally harvested geoduck for \$26,300.00. COUNT 26

In January of 2000 the defendant sold 6,714 pounds of illegally harvested geoduck for \$50,861.30. This is the basis for Count 27.

In February of 2000 the defendant sold 495 pounds of illegally harvested geoduck for \$1,564.00. This is the basis for Count 28.

In March of 2000 the defendant sold 524 pounds of illegally harvested geoduck for \$3,107.32. This is the basis for Count 29.

In April of 2000 the defendant sold 785 pounds of illegally harvested geoduck for \$4,655.05. This is the basis for Count 30.

In May of 2000 the defendant sold 5,943 pounds of illegally harvested geoduck for \$33,459.09. This is the basis for Count 31.

In June of 2000 the defendant sold 7,997 pounds of illegally harvested geoduck for \$51,373.50. This is the basis for Count 32.

In July of 2000 the defendant sold 6,080 pounds of illegally harvested geoduck for \$44,019.20. This is the basis for Count 33.

In August of 2000 the defendant sold 8,771 pounds of illegally harvested geoduck for \$67,068.15. This is the basis for Count 34.

In September of 2000 the defendant sold 7,817 pounds of illegally harvested geoduck for \$56,596.00. This is the basis for Count 35.

In October of 2000 the defendant sold 9,183 pounds of illegally harvested geoduck for \$67,168.75. This is the basis for Count 36.

In November of 2000 the defendant sold 5,410 pounds of illegally harvested geoduck for \$42,524.50. This is the basis for Count 37.

In December of 2000 the defendant sold 5,305 pounds of illegally harvested geoduck for \$40,153.50. This is the basis for Count 38.

During the year 2000 the defendant illegally harvested 65,024 pounds of geoduck and sold that geoduck for \$462,580.36. In the year 2001 the defendant illegally harvested 97,727 pounds of geoduck and sold that geoduck for \$619,884.62. In the period January 1st, 2002, through March 18th, 2002, the defendant illegally harvested 34,971 pounds of geoduck and sold that geoduck for \$233,373.75. The total loss to the State of Washington is in excess of 1.3 million dollars.

The defendant has a history of violence; a conviction for Burglary in the First Degree and Assault in the Second Degree from 1976 and a conviction for Manslaughter in the First Degree from 1986. The Manslaughter conviction was a reduced charge from Murder in the First Degree. The defendant was involved in a contract murder and received the reduced charge in exchange for his testimony. The defendant used his reputation for violence to control his employees and associates. Every witness interviewed by the State expressed fear of the defendant.

The defendant's prior record and the current charge of LEADING ORGANIZED CRIME will invoke

DECLARATION FOR DETERMINATION  
OF PROBABLE CAUSE - 3

Office of Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Main Office: (253) 798-7400

10206 1/4/2008 00057

12/18/2002 9599 00023

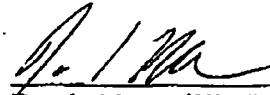
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1 the provisions of the Persistent Offender Statute. RCW 9.94A.570, RCW 9.94A.030 (28) (31).

2 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
3 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

4 DATED: December 16, 2002.

5 PLACE: TACOMA, WASHINGTON

6 

7 Tom L. Moore, WSB# 17542

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27 DECLARATION FOR DETERMINATION  
28 OF PROBABLE CAUSE - 4

Office of Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Main Office: (253) 798-7400

10206 1/4/2008 00058

# EXHIBIT C

**SEARCH WARRANT FOR FRUITS,  
INSTRUMENTALITIES AND/OR  
EVIDENCE OF CRIME**

- (1) RCW 9A.82.060(1) - Leading organized crime, a class A felony;
- (2) RCW 9A.82.050(1)&(2)- Trafficking in stolen property, a class B felony;
- (3) RCW 9A.56.030(1)(a) - Theft in the first degree, a class B Felony;
- (4) RCW 9A.56.040(1)(a) - Theft in the second degree, a class C Felony;
- (5) RCW 77.15.550(2)(a)(b)- Unlawful commercial fishing in closed area and or time in the first degree, a class C felony;
- (6) RCW 77.15.260 (2)(a) - Unlawful trafficking in fish and wildlife in the first degree, a class C felony;
- (7) RCW 77.15.620(1b)(3) - Unlawfully engaging in fish dealing without a license in the first degree, a class C felony;
- (8) RCW 77.15.560(1)(b) - Unlawfully fail to report a commercial fish or shellfish harvest or delivery, a gross misdemeanor;
- (9) RCW 69.30.110 - Unlawful possession of shellfish in a commercial quantity, which are not been grown, shipped or packed in accordance with the provisions of WAC 246-282-090 and WAC 246-282-010(12), a gross misdemeanor as provided for in RCW 69.30.140.

10206 1/4/2008 00060

As described in the affidavit of William Jarmon.

To wit:

- A. All records pertaining to the harvesting, buying and selling of all reported or unreported, geoduck clam, crab or other shellfish product, including any and all business records or sets of records, whether handwritten, printed, typed or contained in a computer or electronic memory. Including all electronic data processing and storage devices, fax machines, Doug Tobin's cellular phone(s), telephone answering machines, electronic memories, computers and computer systems. Computer systems to be seized and analyzed off site include central processing units (CPU's), internal and peripheral storage devices (such as internal hard disks, external hard drives, Zip Drives and disks, floppy diskettes, tape drives, backup tapes, optical storage devices, or other electronic data storage devices), peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communications devices, such as modems, as well as papers or files with passwords, together with system operating documentation, manuals, and commercial program software.

The records referenced above in this section relate to the harvesting, purchasing, weighing, processing, storing, transportation of, and sale of all geoduck clams, crab or other shellfish. The business records described are expected to include: cash, bank and financial accounts and details; federal tax returns; credit card account details; account reconciliation records; sales invoices; purchase orders; purchase receipts; State of Washington Fish Receiving Tickets; books or files of accounts; product inventories; sales and purchase ledgers and journals; and any files relating to income and expenses; employee identification records; addresses, identification, and phone numbers of employees, co-conspirators, harvesters, fishermen, and customers; Department of Health Shellfish purchase and sales logs; papers documenting dominion and control of the premises; and other related indicia or memoranda.

- B. All records pertaining to the harvesting, buying and selling of all reported or unreported, geoduck clams or crab product, including any and all bank and cash account records, bank statements, withdrawal and deposit records, wire transfer documentation, check registers, petty cash journals and memoranda, canceled checks payable to cash, employee Lori Kern, or other employees, geoduck and crab harvesters or suppliers, and other checks or documentation to individuals as yet unknown related to payments for the purchase of illegal geoduck clams or crab.
- C. All documents, including telephone and address books identifying individuals as shellfish harvesters by name or telephone number for the time period covering May 1, 1999 to the present.

- D. Any and all keys, combinations, or passwords to computers, file cabinets, desks, and any locked storage areas, vehicles, vessels or furniture which is capable of holding the evidence sought by this warrant.
- E. All monies in Doug Tobin's business bank accounts at Bank of America, Fife Branch. The bank accounts are identified as Toulok, Inc. (account #16492605) and Toulok (account #70458401). These funds represent assets or proceeds derived from Doug Tobin's illegal activities as described in this affidavit. Monies are to be frozen by bank officials so as to be unavailable to the account holders;
- F. All on-board electronic navigational equipment including but not limited to navigational plotters, GPS systems, loran systems, radar systems and Fathometers which may contain within their computer memory, evidence identifying locations of crab and/or geoduck harvesting, and to examine and analyze either on or off site all associated electronic memories contained in the above mentioned items for the purpose of finding and seizing all actively fishing crab pots or associated gear;
- G. Memoranda, notations, or indicia related to any of the above;
- H. Any and all shellfish or foodfish illegally possessed.

- I. Any firearms possessed by previously convicted felons, including Douglas John Martin Tobin  
*AND THE VEHICLES AND BOATS LISTED ON PAGES 4 & 5 OF THIS WARRANT AS FACTS AND INSTRUMENTALITIES OF THE ABOVE LISTED CRIMES.*

.....and to safely keep the same and to make a return of said warrant within 10 days, with a particular statement of all the articles seized and the name of the person(s), in whose possession the same were found, if any, if no person can be found in possession of said articles, the return shall so state. A copy of said warrant shall be served upon the person(s) found in possession thereof; if no such persons are found, then a copy should be placed in any conspicuous place upon the premises, together with a receipt for all articles seized.

The said premises above-referred to, located in Pierce County and King County, State of Washington, is designated and described as follows:

Toulok Seafood, located at 602 53<sup>rd</sup> Ave. East, Fife, WA. 98424, at the south end of 53d Ave., enclosed by a cyclone fence. The business has an office at the east end of the building with an adjoining plant building that may be entered from office or by way of a large green garage door. The plant and office are white with green trim and the office has windows facing the parking lot;

The personal apartment residence of Douglas Tobin, located in a separate building off the west end of the Toulok plant building, within the same cyclone fenced area, sharing the same address as Toulok Seafood, 602 53<sup>rd</sup> Ave. East, Fife. The apartment portion has a brown



10206 1/4/2008 00062

front and is in the south end of the white colored building with green trim. It shares joint occupancy with a fabrication business, which is located in the north end of the same building. The apartment which houses Doug Tobin is a two story building with windows on both floors facing east as is the entry door on the ground floor;

Wong Tung Seafoods, a retail fish and shellfish store, the front of the business is all glass windows and the name is posted above the front door with red letters and yellow background, located at 210 12<sup>th</sup> Ave. South, Seattle, WA 98144, in a strip of small stores;

Wong Tung Seafoods warehouse, located at the corner of 24<sup>th</sup> Ave. South and Plum Street, a light gray building with dark gray trim and a large roll-up door for entry and delivery of seafood product. The building is believed to contain tanks with recirculating oxygenated water for the storage of live seafood such as fish and crab and is situated at 2001 24<sup>th</sup> Ave. South, Seattle, WA, the address is posted on the north and east side of the building;

Bank of America, Fife Branch located at 5003 Pacific Highway East in Fife, WA;

The person of Douglas John Martin Tobin, owner of Toulok, Inc., date of birth 04/27/52, Native American, male, 6'01", 270 lbs., brown eyes, shoulder length graying hair;


The person of Xiang (Jack) Sheng Li, last licensed in 1998 as a fish buyer for Daisun International Trading Company, date of birth 09/14/55, Asian, male, 5'09", 165 lbs., brown eyes, black hair. Li resides at 10435 56<sup>th</sup> Ave. South, Seattle, WA 98178;

A blue 1992 Plymouth Voyager van, license #433 EKN (Wa), registered to Xiang (Jack) Sheng Li, at 10435 56<sup>th</sup> Ave. South, Seattle, Wa;

A white 1992 Ford Econoline van, Wa. License # ~~F8663FF~~ registered to Douglas Tobin at 602 53<sup>rd</sup> Ave. E., Fife, WA;

A white 1995 Ford Van, license # ~~A97175B~~ registered to Douglas Tobin at 602 53<sup>rd</sup> Ave. E., Fife, WA;

A 1983 GMC silver/gray van, Washington license # ~~247 KNE~~ registered to Douglas Tobin at 602 53<sup>rd</sup> Ave. E., Fife, WA;

 A white 1991 Isuzu van, Washington license #02683 Y, registered to Douglas Tobin at 602 53<sup>rd</sup> Ave. E., Fife, WA;

A teal or turquoise colored 1996 Ford Pickup, license #A31306B, registered to Douglas Tobin;

A maroon and white 1984 GMC Jimmy, Wa. license # ~~981 JCU~~ registered to Carrie S. Ahre,

18286 1/4/2008 00063

Ashford, Wa. 98304

aConner Series Body/AIDFC42, a 42+ foot Aluminum commercial fishing vessel with a fishing bridge and aluminum mast, and a black tarp covering most of the stern deck, with the name "Typhoon" on the transom and hull, WN 221 SXN, hull identification #AIDFC42, registered to Douglas Tobin @ 602 53<sup>rd</sup> Ave. E., Fife, WA. Including all electronics, such as a Trac Plotter, on the vessel Typhoon, used to record G.P.S. coordinates that identify specific locations of crab fishing or geoduck harvesting. The vessel is most recently located about 500 yards to the west of the Dockton King County Park and boat launch facility. Access to the moorage is via an unpaved road that leads to a parking area and a large gray, with white trim residence. On the west side of the residence the dock is accessed by a ramp. There are about 8 vessels at the dock. The Typhoon is located on the most seaward end of the dock outside two purse seine vessels and is tied off the F/V Hydra. The Typhoon also has been in the recent past located at Cornell's Landing, a marina on Fox Island. Access to the moorage facility is from Cornell's residence and driveway above the moorage facility;

A 20', 1979, light colored Boston Whaler, WN 9792 G, hull identification #BWL5328AM79G, with 1998 expiration, with outboard engine, registered to Douglas Tobin at 12610 Wind N. Tide Dr. NW, Gig Harbor, WA 98329. The Boston Whaler has been in the recent past located at Cornell's Landing, a marina on Fox Island. Access to the moorage facility is from Cornell's residence and driveway above the moorage facility. The boat may also be at the same location as the F/V Typhoon;

A 17' aluminum bowpicker vessel, with a center console, WN 176 SXN with the name of "SAM" painted on left side of the transom in black letters, according to Squaxin tribal records owned by John Tobin. The F/V Sam has been in the recent past located at Cornell's Landing, a marina on Fox Island. Access to the moorage facility is from Cornell's residence and driveway above the moorage facility. The boat may also be at the same location as the F/V Typhoon.

GIVEN UNDER MY HAND this 15<sup>th</sup> day of March, 2002, at 10 am/pm

  
JUDGE

Affidavit for Search Warrant

5

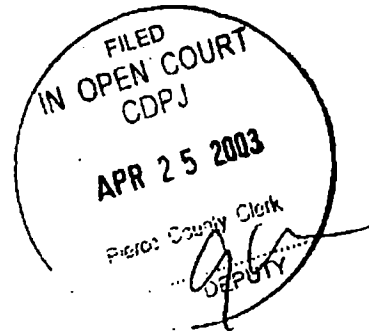
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10206 1/4/2008 00064

# EXHIBIT D

10206 1/4/2008 88865

4/28/2003 14356 88887



## IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

Douglas John Martin Tobin Defendant.Cause No. 02-1-05810-0STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY  
USE FOR NON-VIOLENT CRIMES  
COMMITTED AFTER 7-1-00

APR 28 2003

1. My true name is: Doug Tobin
2. My age is: 49 DOB: 4/27/03
3. I went through the College grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is: Allen Hassle WSBA#: 5330  
Gary Clower 13720
- (b) I have received a copy of and I am charged in \_\_\_\_\_ Information with the crime(s) of:

Count I: Theft 1  
Elements: In the State of WA  
(GOODS)Count II:  
Elements: In the State of WA

Obtain or exert control over property belonging to another in exchange for an overvalued \$1500 with the intent to deprive the owner  
BETWEEN 1/1/00 - 3/18/02

(c) \_\_\_\_\_ Additional counts are addressed in Attachment 4(d).

## 5. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE	MAXIMUM TERM AND FINE
1	9+	43-57				10 years \$20,000
2						

\* (V) VUCSA in protected zone, (JP) Juvenile present

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (8-2-02)  
(NON-VIOLENT CRIMES AFTER 7-1-00)

Z-172-1

10206 1/4/2008 00066

Q.2-1-2008 14350 00008  
(first)

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes other current offenses, prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere. ☐ The parties stipulate the standard range is correct and may be relied upon.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions prior to being sentenced.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding upon me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase, even if the result is a mandatory sentence of life imprisonment without the possibility of parole.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, the costs of incarceration, and other legal financial obligations.

(f) In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 (formerly RCW 9.94A.150) is longer, that will be the term of my community custody. If I have been convicted of a crime that is not listed in the chart and my sentence is more than 12 months, I will be placed on community custody for the period of earned release.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Crimes Against Persons as defined by RCW 9.94A.411 (formerly .440(2))	9 to 18 months or up to the period of earned release, whichever is longer
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.505 (formerly .120(6)))	9 to 12 months or up to the period of earned release, whichever is longer

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge; ☐ The State and the defendant will jointly make this recommendation. *THE STATE WILL REQUEST AN*

*EXCEPTIONAL SENTENCE TO RUN CONSECUTIVE TO CHARGE # 02-1-01444-4*  
*500 CVID, 110 COSTS - THE STATE WILL REQUEST RESTITUTION IN*  
*THE AMOUNT OF 1.2 MILLION DOLLARS. THE DEFENDANT FORFEITS ALL PROPERTY*  
*STAND BY THE STATE: TYPHOON EQUIPMENT, SAW & EQUIPMENT, BOSSON WALKER, TRUCKS, ETC. -*

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range of actual confinement and community custody unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range of actual confinement and community custody, either the State or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. I am ☐ am not ☐ a United States citizen.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be assessed a \$100 DNA collection fee.

**NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS**

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4/28/2003 14356 00009

**DO NOT APPLY, THEY SHOULD BE STRICKEN.**

(m) The judge may sentence me as a first-time offender instead of giving me a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days confinement, and up to two years of community custody, plus all of the conditions described in paragraph 5(f). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

(n) If this is a crime of domestic violence and I, or the victim of the offense has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(o) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

(p) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660, formerly RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 5(f). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions. For offenses committed on or after June 8, 2000, if an offender receives a DOSA sentence and then fails to complete the drug offender sentencing alternative program or is administratively reclassified by the department of corrections, the offender shall be reclassified to serve the unexpired term of the sentence as ordered by the sentencing judge and shall then be subject to a range of community custody and early release as specified in section 5(f) of the plea form.

(q) If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

(r) If this crime involves the manufacture, delivery, or unlawful possession with the intent to deliver methamphetamine or amphetamine or unlawful possession of pseudoephedrine or anhydrous ammonia with intent to manufacture methamphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401(a)(1)(ii) or RCW 69.50.440.

(s) If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

(t) I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

(u) I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

(v) I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

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4/28/2003 14356 88818

(w) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. §1091(r) and 21 U.S.C. § 826a.

6. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as speedy trial challenges and suppression issues.

7. I make this plea freely and voluntarily.

8. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: *IN PERACK COUNTY WA. BETWEEN 1/1/08 THROUGH 3/18/08 I STOLE GROCERIES FROM THE STORE WA.*

If my statement is a Newton or Alfred Plea, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. ☐ I was given a copy and I read this plea statement. ☒ My lawyer read this plea statement to me. Also, my lawyer has explained to me, and we have fully discussed, all of the above paragraphs. If I have any more questions about it, I understand I can and need to ask the judge when I enter my plea of guilty.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Defendant's Lawyer, WSBA#

Approved for entry:

Prosecuting Attorney, WSBA#

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The court finds:

- (a) ☐ The defendant had previously read the entire statement above and the defendant understood it in full; or
- (b) ☐ The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) ☐ An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently, and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 28<sup>th</sup> day of April, 2003.

Judge

APR 25 2003

Perce County Clerk

Z-1-72-4 DEPUTY

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (8-2-02)  
(NON-VIOLENT CRIMES AFTER 7-1-00)



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4/28/2003 14356 00011

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- (k) This offense is a most serious offense, or strike, as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.  
In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- (l) The judge may sentence me as a first-time offender instead of giving me a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- (m) The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.
- (n) Because this crime involves a sex offense or a kidnapping offense involving a minor, I will be required to register where I reside, study, or work. The specific current registration requirements are set forth in Attachment "A". These requirements may change at a later date. I will be responsible for learning about any changes in the registration requirements and for complying with the registration requirements.
- (o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purpose of DNA identification analysis.
- (p) If this is a crime of domestic violence and if I, or the victim of the offense has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

STATEMENT OF DEFENDANT  
ON PLEA OF GUILTY - 5

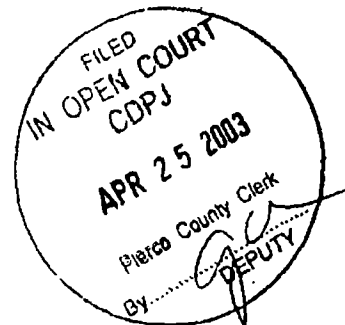
Z-2466-5 Revised 7/1/00

10206 1/4/2008 00070

# EXHIBIT E

10206 1/4/2008 00071

254 5/5/2003 00024



SUPERIOR COURT OF WASHINGTON  
FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff

NO. 02-1-01136-3STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY

APR 28 2003

vs.

DOUGLAS J. M. TOBIN

Defendant.

1. My true name is Doug Tobin
2. My age is 49
3. I went through the College Grad grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

I am charged with: COUNT (36) FAILURE TO REPORT COMMERCIAL FISH

- (b) The elements are: HARVEST OR DELIVERY - IN STATE OF WASHINGTON  
DETAINED 11/00 AND 11/02 WHERE DEFENSE SUB  
COMMERCIAL PURPOSES UNLAWFUL. TOOK SHELL FISH AND  
FAILED TO ADH. OUR FISH TICKET -

I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM  
ALL UP BY PLEADING GUILTY:

5. (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself.
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of

STATEMENT OF DEFENDANT ON PLEA OF GUILTY

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Z-110-1

10206 1/4/2008 00072

254 5/5/2003 00025

PAGE 1 (A)

SUPERIOR COURT OF WASHINGTON  
FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff

NO. 02-1-01236-3

STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY

vs.

DOUGLAS J. M. TOBIN  
Defendant.

1. My true name is Doug Tobin
2. My age is 49
3. I went through the College Grad grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

I am charged with: COUNT (37) POSSESSING OR SELLING SHELLFISH

- (b) The elements are: WITHOUT A CERTIFICATE OF APPROVAL -  
IN STATE OF WASHINGTON BETWEEN 1/1/2000 AND  
3/15/02 WITHOUT A CERTIFICATE OF APPROVAL (HEALTH)  
HE SOLD A COMMERCIAL QUANTITY OF SHELLFISH. IN VIOLATION

I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM  
ALL UP BY PLEADING GUILTY: 08 RCW 69.50 ETC.

5. (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself.
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
CrRLJ4.2(g) Page 1  
Z-110-1

10206 1/4/2008 00073

254 5/5/2003 00026

guilty;

- (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) The crime with which I am charged carries a maximum sentence of 365 days in jail and a \$ 5000 fine.
- (b) The prosecuting authority will make the following recommendation to the judge: 12 MONTHS  
CONCURRENT WITH FELONY CHARGES

I X agree X do not agree with the recommendation in paragraph (b) above.  
Defendant's initials \_\_\_\_\_ Attorney's initials \_\_\_\_\_

- (c) The judge does not have to follow anyone's recommendation as to sentence. The judge can give me any sentence up to the maximum authorized by law no matter what the prosecuting authority or anyone else recommends.
- (d) The judge may place me on probation for up to five years if I am sentenced under RCW 46.61.5055 or up to two years for all other offenses and impose conditions of probation.
- (e) The judge may require me to pay costs, fees and assessments authorized by law. The judge may also order me to make restitution to any victims who lost money or property as a result of crimes I committed. The maximum amount of restitution is double the amount of the loss of all victims or double the amount of my gain.
- (f) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

**NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS APPLY THE BOX SHOULD BE CHECKED AND THE PARAGRAPH INITIALED BY THE DEFENDANT.**

- ☐ g The crime of \_\_\_\_\_ has a mandatory minimum sentence of \_\_\_\_\_  
X The law does not allow any reduction of this sentence.
- ☐ h If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.
- ☐ i This plea of guilty will result in suspension or revocation of my driver's license by the Department of Licensing. If I have a driver's license, I must now surrender it to the judge.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
CrRLJ 4.2(g) Page 2

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10206 1/4/2008 00074

254 5/5/2003 00027

☐ I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9A.10.040.

☐ If this case involves driving while under the influence of alcohol and/or being in actual physical control of a vehicle while under the influence of alcohol and/or drugs, I have been informed and understand that I will be subject to the penalties described in Attachment "A".

☐ I understand that if this crime involves a sex offense, a kidnapping offense involving a minor, communicating with a minor, or one of the other offenses listed in RCW 9A.44.130(8)(a), I will be required to register with the county sheriff as described in Attachment "B".

7. I plead guilty to the crime(s) of \_\_\_\_\_ as charged in the complaint or citation and notice. I have received a copy of that complaint or citation and notice.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

between 1/1/00 - 3/15/02 Failed to report commercial fish harvest or delivery when acting for a commercial purpose, intentionally took Shellfish & failed to make out fish ticket!

☐ Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand

10206 1/4/2008 00075

254 5/5/2003 00020

them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Authority and Bar # 17542

\_\_\_\_\_  
Defendant's Lawyer and Bar # 13720

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that (check the appropriate box):

- ☐ (a) The defendant had previously read; or  
☐ (b) The defendant's lawyer had previously read to him or her; or  
☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

DATED: 4-25-03

\_\_\_\_\_  
Judge

INTERPRETER'S DECLARATION  
 (If required, attach to Statement of Defendant on Plea of Guilty.)

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated \_\_\_\_\_ for the defendant from English into that language. (Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Interpreter

LOCATION: \_\_\_\_\_

STATEMENT OF DEFENDANT ON PLEA OF GUILTY  
 CrRLJ 4.2(g) Page 4

Z-110-4



10206 1/4/2008 00076

254 5/5/2003 00029

## IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

DOUGLAS J. M. TOBEN

Defendant.

Cause No. 02-1-01236-3STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY  
USE FOR NON-VIOLENT CRIMES  
COMMITTED AFTER 7-1-00

1. My true name is: DOUGLAS JOHN MARGEN TOBEN
2. My age is: 49 DOB: 4/27/03
3. I went through the College grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is: \_\_\_\_\_ WSBA#: \_\_\_\_\_

(b) I have received a copy of and I am charged in 3rd information with the crime(s) of:

Count I: UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: In the State of WA, on 6/6/00, DISTRICT IN SKILLISH, VALUED  
IN EXCESS OF \$2500, THAT HAD BEEN ILLEGALLY HARVESTED

Count II: UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: In the State of WA, on 6/9, 10/00, DISTRICT IN SKILLISH, VALUED  
IN EXCESS OF \$2500, THAT HAD BEEN ILLEGALLY HARVESTED

(c) ☒ Additional counts are addressed in Attachment 4(d).

## 5. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE	MAXIMUM TERM AND FINE
<u>1338</u>	<u>1-12 MONTHS</u>		<u>SAME ON DCU FREQUENT COUNTS THIS CAUSE #</u>		<u>5 YRS 10,000</u>

\* (V) VUCSA in protected zone, (JP) Juvenile present

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (8-2-02)  
(NON-VIOLENT CRIMES AFTER 7-1-00)

Z-172-1

10206 1/4/2008 00077

254 5/5/2003 00030

Case Name: DOUGLAS TOWSEN Cause No: 02-1-01236-3

## ATTACHMENT "B"

4. (b) (continued) Defendant is pleading guilty to these additional counts:

Count 3: UNLAWFUL TRAFFICKING IN FEEL ON WEEDS IN THE FIRST DEGREE  
 Elements: IN THE STATE OF WASHINGTON  
ON 13 day of June, 2000  
DID TRAFFICK IN SHELLEFISH, VALUED IN EXCESS OF \$500,  
THAT HAD BEEN ~~IMPORTED~~ ILLEGALLY ADAPTED  
 This crime carries a maximum sentence of 5 years imprisonment and a \$   fine. The standard range is from 0 months to 12 months based upon the attached stipulation as to my criminal history.  
 Offense Designations: Most Serious Offense[ ] Serious Violent[ ] Violent[ ] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

Count   :     
 Elements:     
    
  

This crime carries a maximum sentence of    years imprisonment and a \$   fine. The standard range is from    months to    months based upon the attached stipulation as to my criminal history.  
 Offense Designations: Most Serious Offense[ ] Serious Violent[ ] Violent[ ] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

6. (b) (continued) Defendant is pleading guilty to these additional counts:

COUNT NO.	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly Weapon, (V) VUCSA in protected zone, (VII) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
<u>  </u>	<u>0-12 MONTHS</u>				<u>5 YRS.</u>
<u>  </u>					

ATTACHMENT "B"

10206 1/4/2000 00078

254 5/5/2003 00031

Case Name: DOUGLAS J. M. TOBIN Cause No: 02-1-01236-3

## ATTACHMENT 'B'

4. (b) (CONTINUED) Defendant is pleading guilty to these additional counts:

Count 4 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 15th DAY OF June, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 5 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 20 - 21 DAY OF June, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 6 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 22 - 23 DAY OF June, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 7 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 24 - 25 DAY OF June, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 8 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 28 - 30 DAY OF June, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 9 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 3rd DAY OF July, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 10 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 6th DAY OF July, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 11 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 9th DAY OF July, 2000 DID

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Telephone: (253) 798-7400

18206 1/4/2008 88879

254 5/5/2003 88832

TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN ILLEGALLY HARVESTED.

Count 12 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 13th DAY OF July, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 13 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 15th DAY OF July, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 14 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 18 - 20 DAY OF July, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 15 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 27th DAY OF July, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 16 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 28 - 29 DAY OF July, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 17 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 29th DAY OF July, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 18 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 1st DAY OF August, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 19 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 4th DAY OF August, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 20 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 8th DAY OF August, 2000 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

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254 5/5/2003 00003

Count 21 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 10 - 12 DAY OF August, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 22 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 14 - 15 DAY OF August, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 23 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 20th DAY OF August, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 24 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 26th DAY OF August, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 25 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 2nd DAY OF September, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 26 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 11th DAY OF September, 2000 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 27 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 9th DAY OF March, 2001 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 28 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 23 - 26 DAY OF March, 2001 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 29 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
Elements: IN THE STATE OF WASHINGTON ON THE 5th DAY OF April, 2001 DID  
TRAFFICK IN SHELL FISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

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Count 30 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
 Elements: IN THE STATE OF WASHINGTON ON THE 7th DAY OF April, 2001 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 31 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
 Elements: IN THE STATE OF WASHINGTON ON THE 27th DAY OF April, 2001 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 32 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
 Elements: IN THE STATE OF WASHINGTON ON THE 11th DAY OF November, 2001 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

Count 33 : UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE IN THE FIRST DEGREE  
 Elements: IN THE STATE OF WASHINGTON ON THE 5th DAY OF February, 2002 DID  
TRAFFICK IN SHELLFISH, VALUED IN EXCESS OF \$250.00, THAT HAD BEEN  
ILLEGALLY HARVESTED.

This crime carries a maximum sentence of 5 years imprisonment and a \$ \_\_\_\_\_ fine.  
 The standard range is from 0 months to 12 months based upon the attached stipulation as  
 to my criminal history.

Offense Designations: Most Serious Offense ☐ Serious Violent ☐ Violent ☐ Non-  
 Violent ☐ Sex ☐ Drug ☐ Traffic ☐ (check all that apply)

6. (b) (continued) defendant is pleading guilty to these additional counts:

COUNT NO:	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly weapon, (V) VUCSA in protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
4	0-12 MONTHS				5 YRS
5	0-12 MONTHS				5 YRS
6	0-12 MONTHS				5 YRS
7	0-12 MONTHS				5 YRS
8	0-12 MONTHS				5 YRS
9	0-12 MONTHS				5 YRS
10	0-12 MONTHS				5 YRS
11	0-12 MONTHS				5 YRS
12	0-12 MONTHS				5 YRS
13	0-12 MONTHS				5 YRS
14	0-12 MONTHS				5 YRS
15	0-12 MONTHS				5 YRS

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16	0-12 MONTHS				5 YRS
17	0-12 MONTHS				5 YRS
18	0-12 MONTHS				5 YRS
19	0-12 MONTHS				5 YRS
20	0-12 MONTHS				5 YRS
21	0-12 MONTHS				5 YRS
22	0-12 MONTHS				5 YRS
23	0-12 MONTHS				5 YRS
24	0-12 MONTHS				5 YRS
25	0-12 MONTHS				5 YRS
26	0-12 MONTHS				5 YRS
27	0-12 MONTHS				5 YRS
28	0-12 MONTHS				5 YRS
29	0-12 MONTHS				5 YRS
30	0-12 MONTHS				5 YRS
31	0-12 MONTHS				5 YRS
32	0-12 MONTHS				5 YRS
33	0-12 MONTHS				5 YRS

Office of Prosecuting Attorney  
946 County-City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400



18206 1/4/2008 00003

254 5/5/2003 00036

Case Name: DOUGLAS J. M. TOBEN Cause No: 02-1-01236-3

## ATTACHMENT "B"

4. (b) (continued) Defendant is pleading guilty to these additional counts:

Count 34: UNKNOWNLY ENGAGE IN FISH DEALING ACTIVITY WITHOUT A LICENSE IN THE FIRST DEGREE

Elements:

IN THE STATE OF WASHINGTON DURING 1/1/00 THROUGH 3/15/02 DID SELL SHRIMP (CARB + GEODUCK), VALUED IN EXCESS OF \$250 AND DID NOT HAVE A VALID WHOLESALE FISH DEALERS LICENSE.This crime carries a maximum sentence of 5 years imprisonment and a \$10,000 fine. The standard range is from 0 months to12 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[ ] Serious Violent[ ] Violent[ ] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

Count 35: VIOLATION OF COMMERCIAL FISHING BAN AT TIME IN THE FIRST DEGREE

Elements:

IN THE STATE OF WASHINGTON DURING 6/6/00 THROUGH 3/16/02 DID KNOWINGLY, WHILE ACTING FOR COMMERCIAL PURPOSES, TAKE CARB AND GEODUCK VALUED IN EXCESS OF \$250 AT A TIME AND/OR AREA THAT WAS NOT OPEN TO THE TAKING OF CARB OR GEODUCK FOR COMMERCIAL PURPOSESThis crime carries a maximum sentence of 5 years imprisonment and a \$12,000 fine. The standard range is from 0 months to12 months based upon the attached stipulation as to my criminal history.

Offense Designations: Most Serious Offense[ ] Serious Violent[ ] Violent[ ] Non-Violent[ ] Sex[ ] Drug[ ] Traffic[ ] (check all that apply)

6. (b) (continued) Defendant is pleading guilty to these additional counts:

COUNT NO.	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancement for (F) Firearm, (D) Other Deadly Weapon, (V) VUCSA in protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, or (JP) Juvenile Present	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	STANDARD RANGE COMMUNITY CUSTODY (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM PENALTY
<u>34</u>	<u>0-12</u>	<u>—</u>	<u>0-12</u>		<u>Fines \$10,000</u>
<u>35</u>	<u>0-12</u>	<u>—</u>	<u>0-12</u>		<u>Fines \$12,000</u>

ATTACHMENT "B"

10286 1/4/2008 00084

250 25-15-012360033?  
(FNU)

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes other current offenses, prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere. ☐ The parties stipulate the standard range is correct and may be relied upon.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions prior to being sentenced.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding upon me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase, even if the result is a mandatory sentence of life imprisonment without the possibility of parole.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, the costs of incarceration, and other legal financial obligations.

(f) In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 (formerly RCW 9.94A.150) is longer, that will be the term of my community custody. If I have been convicted of a crime that is not listed in the chart and my sentence is more than 12 months, I will be placed on community custody for the period of earned release.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Crimes Against Persons as defined by RCW 9.94A.411 (formerly .440(2))	9 to 18 months or up to the period of earned release, whichever is longer
Offenses under Chapter 69.50 or 69.52 RCW (Not sentenced under RCW 9.94A.505 (formerly .120(6)))	9 to 12 months or up to the period of earned release, whichever is longer

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: ☐ The State and the defendant will jointly make this recommendation.

*THE STATE WILL REQUEST AN EXCEPTIONAL SENTENCE TO AVOID CONFINEMENT TO CAUSE #02-F-01444-Y-500000P  
11000000 - THE STATE WILL REQUEST \$100,000 RESTITUTION. THE DRINKING  
FORFEITS ALL PROPERTY SEIZED BY THE STATE: TYRHOON EQUIPMENT, SMT  
EQUIPMENT, PULVERIZER, TRUCK, ETC. CARBON, ETC.*

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range of actual confinement and community custody unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range of actual confinement and community custody, either the State or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. I am ☐ am not ☐ a United States citizen.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) Public assistance will be suspended during any period of imprisonment.

(l) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be assessed a \$100 DNA collection fee.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (8-2-02)  
(NON-VIOLENT CRIMES AFTER 7-1-00)

Z-172-2

10206 1/4/2008 00005

254 5/5/2003 00030

**DO NOT APPLY, THEY SHOULD BE STRICKEN.**

(m) The judge may sentence me as a first-time offender instead of giving me a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days confinement, and up to two years of community custody, plus all of the conditions described in paragraph 5(f). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

(n) If this is a crime of domestic violence and I, or the victim of the offense has a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(o) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus.

(p) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660, formerly RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 5(f). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range that must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay thirty dollars per month to offset the cost of monitoring and require other conditions, including affirmative conditions. For offenses committed on or after June 8, 2000, if an offender receives a DOSA sentence and then fails to complete the drug offender sentencing alternative program or is administratively reclassified by the department of corrections, the offender shall be reclassified to serve the unexpired term of the sentence as ordered by the sentencing judge and shall then be subject to a range of community custody and early release as specified in section 5(f) of the plea form.

(q) If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

(r) If this crime involves the manufacture, delivery, or unlawful possession with the intent to deliver methamphetamine or amphetamine or unlawful possession of pseudoephedrine or anhydrous ammonia with intent to manufacture methamphetamine, a mandatory methamphetamine clean-up fine of \$3,000.00 will be assessed. RCW 69.50.401(a)(1)(ii) or RCW 69.50.440.

(s) If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked. If I have a driver's license, I must now surrender it to the judge.

(t) I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

(u) I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

(v) I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least 6 months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

18286 1/4/2008 00086

254 5/5/2003 00030

(w) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 826a.

6. I UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial as well as other pretrial motions such as speedy trial challenges and suppression issues.

7. I make this plea freely and voluntarily.

8. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: *CT 1-33 On the 10th inst in this plea in Pierce County I unlawfully trafficked in shellfish valued in excess of \$250 that had been illegally harvested. CT 34 On 1/11/00-3/4/02 in Pierce County I unlawfully sold shellfish valued in excess of \$250 without a valid wholesale dealer's license. CT 35 On 6/6/00-7/5/02 in Pierce County I took crab + georhinus for commercial purposes in excess of \$250 at a time when not open to harvest.*

If my statement is a Newton or Alfred Plea, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. ☒ I was given a copy and I read this plea statement. ☐ My lawyer read this plea statement to me. Also, my lawyer has explained to me, and we have fully discussed, all of the above paragraphs. If I have any more questions about it, I understand I can and need to ask the judge when I enter my plea of guilty.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Defendant's Lawyer, WSBA#

Approved for entry:

Prosecuting Attorney, WSBA#

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The court finds:

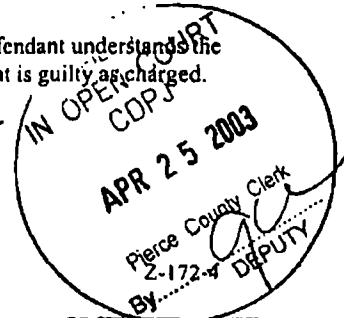
- (a) ☐ The defendant had previously read the entire statement above and the defendant understood it in full; or
- (b) ☐ The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) ☐ An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently, and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 25 day of April, 2003.

Judge

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (8-2-02)  
(NON-VIOLENT CRIMES AFTER 7-1-00)

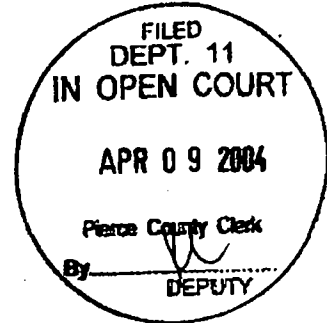


10206 1/4/2008 00007

# EXHIBIT F

10206 1/4/2008 00000

229. 4/13/2004 00040



## SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02-1-05810-0

vs.

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

ORDER SETTING RESTITUTION AND  
DISBURSEMENT

THIS MATTER having come on before the undersigned judge of the above entitled court and restitution having been ordered pursuant to a criminal conviction and RCW 9A.753 which provides in part that restitution be ordered for easily ascertainable damage for injury or loss of property and actual expenses incurred for treatment for injury to persons and lost wages resulting from injury, but that the amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime, and the files of the Prosecuting Attorney having reflected that the following persons or entities should receive restitution; Now, Therefore, IT IS HEREBY

ORDERED that restitution in the above entitled matter be, and the same is hereby set in the sum of \$879,408.40 and the Clerk of the above entitled Court is hereby directed to disburse said funds as they are received in the manner following:

Office of Prosecuting Attorney  
946 County-City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

10206 1/4/2008 00089  
229 4/13/2004 00041

STATE OF WASHINGTON DEPT OF NATURAL RESOURCES  
AND WA. DEPT. OF FISH AND WILDLIFE  
NISQUALLY INDIAN TRIBE  
SQUAXIN INDIAN TRIBE  
PUYALLUP INDIAN TRIBE

DISTRIBUTION OF FUNDS WILL BE ALLOCATED  
PER NEGOTIATIONS OF TRIBES AND DEPT. OF  
NATURAL RESOURCES.

DONE IN OPEN COURT this 9<sup>th</sup> day of April, 2004.

John A. McCarthy  
JUDGE

Presented by:

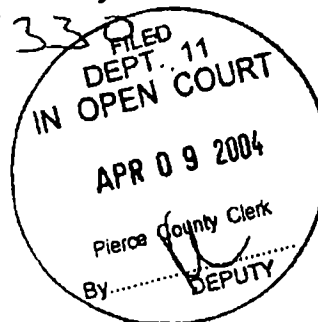
T. L. Moore  
TOM L. MOORE  
Deputy Prosecuting Attorney  
WSB # 17542

I, DOUGLAS JOHN MARTIN TOBIN, Cause No. 02-1-05810-0 being fully advised I have a right to be brought before the Court for a full Restitution Hearing, and to have an attorney present to represent me, and that the Court will appoint an attorney if I cannot afford one, hereby waive these rights and agree to entry of this order.

Date 4/9/04

Signature of Defendant

Signature Witness or Attorney for Defendant



Office of Prosecuting Attorney  
946 County-City Building  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

ORDER SETTING RESTITUTION AND DISBURSEMENT-2  
restord

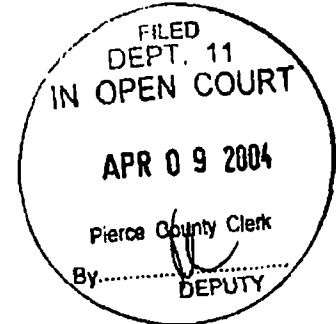


10206 1/4/2008 00090

# EXHIBIT G

18206 1/4/2008 00091

229 4/13/2004 00016



## SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02-1-01236-3

vs.

DOUGLAS JOHN MARTIN TOBIN,

ORDER SETTING RESTITUTION AND  
DISBURSEMENT

Defendant.

THIS MATTER having come on before the undersigned judge of the above entitled court and restitution having been ordered pursuant to a criminal conviction and RCW 9.94A.753 which provides in part that restitution be ordered for easily ascertainable damage for injury or loss of property and actual expenses incurred for treatment for injury to persons and lost wages resulting from injury, but that the amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime, and the files of the Prosecuting Attorney having reflected that the following persons or entities should receive restitution; Now, Therefore, IT IS HEREBY

ORDERED that restitution in the above entitled matter be, and the same is hereby set in the sum of ~~\$198,000~~ <sup>\$24,780.50</sup> and the Clerk of the above entitled Court is hereby directed to disburse said funds as they are received in the manner following:

Office of Prosecuting Attorney  
946 County City Building  
Thoma, Washington 98402-2171  
Telephone: (253) 798-7400

ORDER SETTING RESTITUTION AND DISBURSEMENT-1  
restord.dot

10206 1/4/2008 00092

229 4/13/2004 00017

*FISH AND WILDLIFE*  
 STATE OF WASHINGTON DEPT OF NATURAL RESOURCES  
 NISQUALLY INDIAN TRIBE

*DISBURSEMENT OF FUNDS WILL BE ALLOCATED  
 PER NEGOTIATIONS OF TRIBE AND DEPT. OF FISH  
 AND WILDLIFE*

DONE IN OPEN COURT this 9<sup>th</sup> day of April, 2004.

*John A. McCarthy*  
 JUDGE

Presented by:

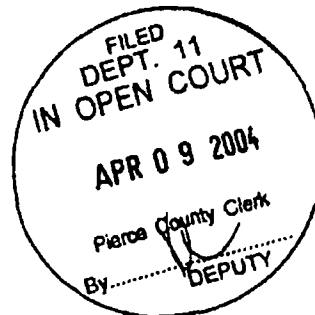
*[Signature]*  
 TOM L. MOORE  
 Deputy Prosecuting Attorney  
 WSB # 17542

I, DOUGLAS JOHN MARTIN TOBIN, Cause No. 02-1-01236-3 being fully advised I have a right to be brought before the Court for a full Restitution Hearing, and to have an attorney present to represent me, and that the Court will appoint an attorney if I cannot afford one, hereby waive these rights and agree to entry of this order.

Date 4/9/04

Signature of Defendant

*[Signature]*  
 Signature Witness or Attorney for Defendant



Office of Prosecuting Attorney  
 946 County-City Building  
 Tacoma, Washington 98402-2171  
 Telephone: (253) 798-7400

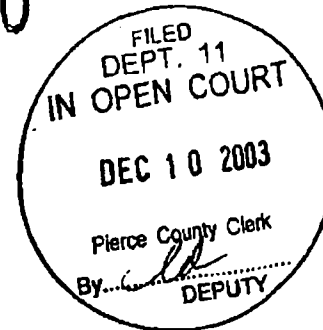
ORDER SETTING RESTITUTION AND DISBURSEMENT-2  
 restord

10206 1/4/2008 00093

# EXHIBIT H

10206 1/4/2008 00094  
20026 12/11/2003 00027

ORIGINAL



## SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02-1-05810-0

vs.

DOUGLAS JOHN MARTIN TOBIN,

STIPULATION ON FORFEITURE OF  
PROPERTY

Defendant.

The State of Washington represented by Deputy Prosecutor Tom L. Moore and the defendant DOUGLAS JOHN MARTIN TOBIN represented by Attorney Allen Ressler enter into the following stipulation regarding the forfeiture of property, seized pursuant to a series of search warrants served on March 18<sup>th</sup>, 2002. The defendant was originally served with a Notice of Seizure and Intent to Forfeit Property on March 22<sup>nd</sup>, 2002, under cause number 02-1-01236-3. The State subsequently filed an Amended Information under this cause number charging the defendant with Leading Organized Crime.

The State and the Defendant reach the following agreement:

The State will release to the defendant or his representative:

~~One pair of binoculars~~

~~\$850.00~~ seized from the defendant's person

The State's lien on a 1969 Chevrolet Nova, license CV3982

The State's hold on two bank accounts located at Bank of America, Fife Washington, #16492605 and #70458401


Personal property found on the boat Typhoon to include, medicine bag, clothes, etc.

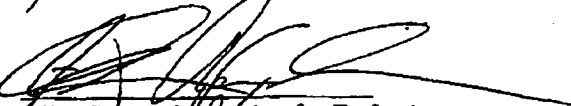
The rest of the property seized by the State will become the property of the State of Washington, Department of Fish and Wildlife, Statewide Enforcement Program. This includes all property listed in the ( Attached) Notice of Intent to Forfeit, except that listed above, and any other property seized listed or not, to include: electronics on the boats seized, commercial fishing gear, and weapons.

gencaption.dot

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Main Office: (253) 798-7400

10206 1/4/2008 00095  
20026 12/11/2002 00028

1   
Tom L. Moore, DPA, #17542

2   
3 Allen Ressler, Attorney for Defendant

4   
5 Douglas John Martin Tobin

6  
7 COURT ORDER

8 The Court being fully advised in this matter and having reviewed the Stipulation  
9 of the Parties.

10 NOW HEREOFRE

11 ORDERS that the property listed above shall be forfeited to the State of Washington,  
12 Department of Fish and Wildlife, Statewide Enforcement Program, except that property that by  
13 Stipulation is to be returned to the defendant.

14 DONE IN OPEN COURT this 10 day of December, 2003.

15   
16 Judge, John A. McCarthy

17  
18  
19  
20  
21  
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25  
gencaption.dot

Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Room 946  
Tacoma, Washington 98402-2171  
Main Office: (253) 798-7400

10206 1/4/2008 00096

# EXHIBIT I



10206 1/4/2008 00097

PERSONAL INVENTORY SEIZED BY THE STATE OF WASHINGTON  
FROM DOUGLAS JOHN MARTIN TOBIN.

INVENTORY LIST OF ITEMS SEIZED BY STATE OF WASHINGTON  
AND NOT RETURNED PURSUANT COURT ORDER.

ITEM	VALUE OF ITEM
2 each. Turq Blue Sleeping Bags.	900.00
2 each. Blu/Blk Coleman Sleeping Bages.	300.00
2 each. Red/White pillows.	200.00
1 each. Quilted Bed Spread	400.00
1 each. Dark red/blue quilt.	400.00
1 each. Green blanket.	60.00
2 each. Tribal Quilts.	600.00
7 each. Pillows miscellaneous.	210.00
2 each. Bedroom pillows.	180.00
1 each. Shave Kit.	300.00
1 pair. Columbia Boots.	80.00
3 each. Coats.	600.00
2 pairs. Pants.	120.00
5 each. Shirts	150.00
10 each. Hats miscellaneous.	150.00
1 each. Colt Brown Shoes.	400.00
1 each. Coffee Maker/tea pot.	100.00
2 each. Bib Coveralls.	340.00
1 each. Outback Jacket.	300.00
2 each. Eagle Feathers. (blessed by elders priceless)	100.000.00
1 each. Medicine Bag. (gift from elders priceless)	100.000.00
100 each. Movies VHS/DISC	1.200.00
1 each. Glass case.	1.700.00
1 each. Bird Guide Book.	140.00
1 each. Garman GPS map 220 Plotter.	1.500.00
1 set. Marine Log Sheet (can't be replaced) needs to be re-created or found for Maritime Law, and Maritime use.	100.000.00

## Miscellaneous Personal Papers, need to be Found and Returned.

1 each. Celluar Phone.	500.00
7 each. Maritime Charts.	1.500.00
1 each. Vessel Registrations.	10.000.00
Several. Dive Logs needs to be replaced.	50.000.00
1 each. Video Camera.	800.00
1 each. Night Vision Scope.	1.500.00
1 each. Binoculars.	3000.00

## NOT LISTED ON ANY SEIZURES.

## BOAT EQUIPMENT.

Shackles, Deck Snaps, and Hardware. All Stanless Steal.	4000.00
---	---------

## DIVE GEAR.

2. Suites, Air tanks, Weight Belts, Communications Computer, Air Pumps, Hosing, Manifolds, Com System, lines, and assessors.	100.000.00
--	------------

## TOOLS.

Welder, Grinders, Cutting Torch, Wrenches, Vice, and assorted other tools.	9000.00
--	---------

2 each. Generators.	3500.00.
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For a total of \$491.400.00

Douglas Tobin, also request that Interest on said items be issued since to Order of Return of Property on December 10, 2003, at the going Rate of 12% as the State would collect if it was Owed to the State.